UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

REPORT ON

ROCK CREEK FIRE

JULY 28, 1939.

SANTA ROSA DIVISION

TOIYABE NATIONAL FOREST, NEVADA

M—5123

U. S. GOVERNMENT PRINTING OFFICE

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W. O. FIRE CONTROL FILES

CCC
SAFETY R-4
Fatality
Rock Creek Fire (July 28, 1939)

File to be kept permanently

Report on Rock Creek Fire - July 28, 1939

Santa Rosa Division

Toiyabe National Forest, Nevada

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PERSONNEL
WASHINGTON, D. C.

SAFETY R-4
Fatality
Rock Creek Fire(July 28, 1939)

October 10, 1939

MEMORANDUM FOR MR. H. R. KYLIE, ACTING CHIEF
Division of Personnel Management
Forest Service

Dear Mr. Kylie:

We return herewith the report of the Rock Creek Nevada fire which took the lives of five enrollees on July 28, 1939. This case was discussed at length with Mr. C. N. Woods, Regional Forester of Region 4, and his staff. There is little question that, in fires of this kind, an escape suit of light, non-inflammable material would be effective.

At the time of the visit to Region 4, the last trial escape suit made weighed seven pounds. Practically the only objection to the use of the suit was its weight. Since returning to Washington, the writer has had experiments made with lighter fabrics with unexpected success, and now we can promise a suit of fairly substantial material weighing approximately three pounds.

With this material it is entirely possible to go back to the original idea of flameproof clothing, light enough for ordinary wear on the fire line and still strong enough to withstand heavy wear. The jacket must have a Parka hood sufficiently large to cover a hard hat, which should be standard equipment for both fire fighters and snag-fellers.

Naturally, the trials of these suits carried on in the field under simulated conditions will show their defects as well as their good points, and will demonstrate clearly how lives can be saved by the use of such protection.

The cost of these suits will be materially reduced, and while we have no definite quotations as yet, we are assured that in quantities the cost will be well under $10.00 each.

As our average death costs approximately $9,000.00, the saving of one life would pay the interest on about 20,000 suits and all but the one used would still be available for future protection. We are paying huge sums each year for compensation and medical expense, and are getting nothing in return. We are paying huge sums, and still have no protection.

The Regional Foresters contacted on my recent tour, and their staffs, all expressed willingness to try out the escape suits. Many of them questioned their effectiveness in large timber fires, but agreed that it was possible that an effective suit could be worked out.

Yours very truly,

Charles M. Fergusson

Charles M. Fergusson
Safety Specialist

Attachment

copy

CCCD
SAFETY R-4
Fatality
Rock Creek Fire (7-28-39)

September 16, 1939.

Mr. Robert Fechner,
Director, Civilian Conservation Corps,
Washington, D. C.

Dear Mr. Fechner:

Please find enclosed a copy of a report prepared by the Forest Service, Ogden, Utah, on the Rock Creek fire which occurred July 28, 1939 on the Santa Rosa Tioyabe National Forest, Nevada, and which resulted in five fatalities.

Mr. Headley who was in Portland at the time was instructed to proceed to the scene and make an investigation. This complete report, including Mr. Headley's comment, has been very carefully and thoroughly prepared. After careful consideration of the details I find myself in agreement with the conclusion that disciplinary action is not called for.

Letters were sent to the parents of the deceased, by Regional Forester Woods, and a copy of the letter to the father of Enrollee Tippin is attached.

Very sincerely yours,

FRED B. AGEE, Acting Representative,
Department of Agriculture,
Advisory Council, CCC.

Enclosure

Designation
CCC
SAFETY,R-4
Fatality
Rock Creek Fire (July 28, 1939)

September 1, 1939.
(date)

ROUTING SLIP FOR SAFETY CASES

To be prepared in duplicate. Please keep original attached to case.

Personnel Management

Department Division of Personnel — Mr. Gladmon

Mr. Fergusson

Enrollee Training Division, CCC
Room 713 Atlantic Building — Mr. Kylie

Remarks:

You will find enclosed a copy of a narrative report concerning the Rock Creek, Nevada fire, which occurred on July 28, 1939, and which resulted in five fatalities.

When you have reviewed this case, please return it for our files.

H. R. KYLIE, Acting Chief,
Enrollee Training Division, CCC.

Enclosure.

CCC
SAFETY, R-4
Fatalities

August 15, 1939.

Chief, Forest Service,

Washington, D. C.

Dear Sir:

There is being forwarded to your office under separate cover triplicate copies of a report prepared by Associate Regional Forester W. B. Rice on the Rock Creek fire, which occurred on the Santa Rosa Division of the Toiyabe National Forest on July 28, 1939, and which resulted in five fatalities.

The report discloses unusual heroism on the part of Earnest R. Tippin and Walter James. In Tippin's case the heroism displayed seems to be of an outstanding nature. I would appreciate your consideration of the advisability of recommending these boys for posthumous medals for bravery either from the American Forestry Association or the Carnegie Foundation, or both.

Very truly yours,

C. N. WOODS,
Regional Forester,

W B Rice.

By

Acting

Report on

Rock Creek Fire

July 28, 1939

Santa Rosa Division

Toiyabe National Forest

Nevada

- - -

Submitted August 7, 1939 by

W B Lice.

Associate Regional Forester.

Approved August 7, 1939 by

Regional Forester.

The following report is based on an investigation which began on the morning of July 30 and continued until the evening of August 2, 4 full days. During this time I visited the scene of the fire on two different occasions, attended the coroner's inquest, took stenographic testimony from all surviving members of the ill fated crew, interviewed numerous other persons and collected all possible information which might have a bearing on the case.

Under circumstances such as surrounded the Rock Creek fire men are necessarily excited. Events succeed each other with such rapidity that it is almost humanly impossible to remember all of the details, and it is improbable that any two men would remember them in exactly the same way. Considering these human frailties, I believe that the evidence on which this report is based is singularly free from discrepancies or contradictions of a material nature. Every effort has been made to obtain all of the information possible and to assemble it in such a manner as to give a clear picture of the sequence of events which lead up to the tragic death of five enrollees from the Paradise Camp.

Where testimony or evidence is apparently in conflict, the statements in the body of the report are based on the preponderance of evidence, reliability of witnesses, and on what seemed most probable. Full weight has, of course, been given to evidence obtained on the ground.

W B Rice

Associate Regional Forester.

Foreword

On the afternoon of July 28, 1939, five enrollees from Paradise Camp F-5, Company 1212, were burned to death in a sagebrush fire which originated on the west side of the Santa Rosa Division of the Toiyabe National Forest in Humboldt County, Nevada, near the town of Orovada and about 50 miles north of Winnemucca.

This marks the first time in the history of Region 4 that anyone has lost his life fighting a sagebrush fire, and so far as could be learned, after inquiries among a number of old time residents of Nevada, is possibly the first time that anyone has lost his life in the State of Nevada while engaged in fighting fires of this kind. Mr. Headley, Chief of Fire Control of the Forest Service, who is intimately familiar with Forest Service fire history over a period of more than thirty years, is unable to recall any instance anywhere of loss of life in sagebrush fires.

While many lives have been lost fighting forest fires and will continue to be lost so long as we continue to fight fires, there is little probability that the conditions surrounding this particular fire, including the uncanny timing and personal injuries, will ever be duplicated.

Nevada is typically a state of mountains and deserts. North and south ranges of mountains, ten to twenty miles wide, are separated by level valleys of equal or greater width. These mountain ranges generally rise abruptly from the valley floor and attain elevations of a mile or more above the surrounding deserts.

The Rock Creek fire occurred in country typical of this general formation. From the valley floor at Orovada on Nevada Highway #8,

at an elevation of 4,350 feet, the flat desert land extends eastward for approximately a mile and a half. At this point the Santa Rosa Mountains begin to rise gradually and finally rather abruptly to Santa Rosa Peak with an elevation of 9,800 feet. This rise of 5,450 feet occurs in a distance of approximately 6 miles. Rock Creek and Antelope Creek flow westward from Santa Rosa Peak toward Quinn River and enter the valley through rather steep-sided canyons. As is characteristic of such topography, the ridge between these two creeks breaks off abruptly toward the valley, and the origin of the Rock Creek fire was near the top of this break and somewhere between 3,500 and 4,000 feet above the valley floor.

On the burned over area the cover consisted principally of sagebrush with a mixture of cheat grass, rye grass, and weeds. With the exception of two or three very small patches of trees in basins at the higher elevations, there was no timber on the area burned, and these small patches of trees had no significance in the handling of the fire or in the events which lead up to its tragic conclusion.

The sagebrush varied in height from one to two feet on the valley floor to three or four feet in height at the higher elevations. Density could be called normal for that part of the country, which would mean that particularly at the higher elevations the brush was thick enough on the ground to materially impede foot travel.

Slopes varied at the lower elevations from 30 to 50 percent and at the higher elevations near the ridge tops probably reached 60 or 70 percent. The country could be called moderately steep but not precipitous. There are rock out-crops here and there and a moderate amount of rock scattered over the area, particularly at the bottoms of the draws.

In general, an experienced man would not consider it difficult country for horse travel.

From May 1 to July 28, the date of occurrence of the fire, total precipitation at Orovada was 1.37 inches, which is about three-fourths of an inch, or approximately 35 percent less than normal, indicating an extremely dry condition of the ground cover. Records of relative humidity were not available.

Report on Rock Creek Fire on July 28, 1939.

A dry lightning storm passed over the Santa Rosa Mountains and started a fire within the boundaries of the Santa Rosa Division of the Toiyabe National Forest, Nevada, in approximately the southeast quarter of the northwest quarter of the northwest quarter, Section 5, Township 42 North, Range 38 East, Mt. Diabalo Base and Meridian. This probably occurred at about 11:20 or 11:25 a.m., on July 28, 1939. The fact that the bolt of lightning which set the fire was accompanied by an unusually severe clap of thunder attracted the notice of people in the vicinity and caused immediate discovery of the fire.

K. O. Studebaker, a storekeeper at Orovada, looked out toward the storm and saw the fire starting up. Children of Frank Gabica, a nearby rancher, saw the fire start and called it to the attention of their father.

Studebaker immediately called the ranger station at Paradise, Nevada, about 45 miles away, and notified Mrs. Travis, wife of the district ranger, of the fire. According to records of the telephone company this call was put in at 11:28 a.m. Studebaker then called Gabica and they talked matters over and finally decided that they would go up to the fire themselves as soon as they had their lunch. Headquarters for one of the state road maintenance crews is across the road from the Orovada store, and about noon two of the maintenance crew came in for lunch. After lunch Studebaker took his brother and these two men from the road maintenance crew and travelled by car up Antelope Creek to the end of the road where they left the car and continued on foot along the ridge on the north side of Antelope Creek.

Studebaker stated that they probably left Orovada about 12:30 p.m.

Frank Gabica and two boys left his ranch on horseback at about the same time, going up Rock Creek and taking the McConnel Creek Trail from the end of the road. These two crews met just below the fire and continued on to the fire together. The fire had probably attained a size of between 20 and 25 acres when these seven men reached the line. The time of arrival at the fire is not definitely known, but was probably between 1:30 and 2:00 o'clock. It will be noted from the map that between three and four miles had to be covered by car, two-thirds of it over a slow road. About 1 1/4 miles had to be made on foot uphill over fairly steep ground, so that it is probable that at least one hour was consumed in travelling and possibly more since the men were not hardened hikers.

All of these seven men had shovels and they proceeded to dirt down the fire, working according to their own estimates about an hour, and succeeded in putting out approximately 200 yards of line. While they were working they saw the CCC truck coming up the highway and up Rock Creek toward the fire. Later Tippin's crew was seen walking toward the fire and were still continuing upward at the time of the blow-up. At this time it appears that the boys were in a draw between Rock Creek and Antelope Creek and were not immediately aware of the fact that the fire had gotten out of control, since they were at a point where they could not look directly at the fire and they were too far away for any of Studebaker's men to be warned by them. Up to this time the testimony of most witnesses, both local men and CCC boys, is to the effect that there was a very light breeze blowing from the southwest. This is the direction of the prevailing winds and would

also be the direction of the normal up-canyon air movement for that time of day, and as a consequence the fire was spreading gradually toward the north and east with very little spread toward the west and south.

At about 3:00 o'clock the wind suddenly changed, blew from the east, and assumed what Studebaker described as gale proportions. The fire immediately began to run down the mountain at a high rate of speed which probably averaged 4 to 4 1/2 miles per hour and was undoubtedly much faster on portions of the area where conditions were most favorable for its spread. The seven local men on the fire line were in no immediate danger since they could have easily gotten within the burned area. They were fully aware of this but Studebaker was worried about his car and Gabica about his ranch, and the men all decided to go out ahead of the fire in order to save their property. Needless to say, they anticipated no particular difficulty in keeping ahead of the fire. As stated above, three men were on horseback and four on foot, and Studebaker who was on foot part of the time testified that they had to run as fast as they could to keep ahead of the fire and only beat it to the car by a narrow margin which they estimated from 150 to 200 feet. When the seven men reached the car Gabica, who is a heavy man and was riding a tired horse, was afraid to risk keeping ahead of the fire and turned his horse loose and got in the car with the three other men. (The horse that was turned loose later arrived at the ranch with his fetlocks and half of his tail burned off.) Studebaker drove the car as fast as he could over the rough Antelope Creek road and reached the highway about five minutes ahead of the fire. The two Gabica boys on horseback attempted to go around

the head of the fire in order to reach their ranch, but were unable to make it and had to take straight to the highway. From the best estimates that can be obtained it appears that about 30 to 45 minutes elapsed from the time the fire blew up until it reached the highway, an airline distance of about three miles.

As soon as he reached Orovada, Studebaker put in a call to the Paradise Camp for reinforcements and also called the Quinn River and McDermitt Camps of the Division of Grazing. A check of the records of the telephone company show these calls as being placed at 3:50 p.m.

When Studebaker called the Paradise Ranger Station, Ranger Travis was out on his district and Mrs. Travis sent her son over to the Paradise CCC Camp, about a hundred yards distant, to notify them of the fire. The Travis boy reported the fire to L. M. Malsbury, the enrollee camp clerk for the work agency. Malsbury stated that the report came to him about 11:45 a.m. Since it was nearly lunch time the only immediate action taken by Malsbury was to endeavor to get the cooks to hurry up lunch so that the men could be fed before starting to the fire. Camp Mechanic Timmons who was the only one of the work agency overhead in camp had gone home to lunch about two blocks away before the fire call was received. (Two other foremen had crews out on work projects and did not come in to lunch. Camp Superintendent Hardy was at a spike camp where more than 50 enrollees and the balance of the overhead were working and did not return to the main camp until evening. There were 62 new replacements in the main camp who had not yet been released to the work agency.) According to statements made by Timmons it was his usual custom to go home to lunch between 11:30 and 11:45. Apparently no further action was taken beyond attempting

to get the men fed until Timmons returned to the camp after lunch, at which time Malsbury reported the fire to him. According to Malsbury this was about 12:20 p.m. and according to Timmons about 12:30 p.m.

With the exception of the 62 new replacements who came in on July 25 and had not yet had fire training nor been turned over to the work agency by the Army, there were very few available men in camp. In addition to the Army overhead there were a few men working in the blacksmith shop and garage and a few working on a new lavatory at the work agency headquarters.

As soon as he received the fire report Timmons started immediately to round up a crew, truck, and fire tools. Since he was unable to obtain enough men to fill a truck from fire-trained work agency men at the camp, he requested permission from Lt. Ford, the Acting Camp Commander, to take a part of the presumably fire-trained kitchen crew and received his consent. Timmons stated that he refused to take any of the new replacements since he knew that they had not been fire-trained.

The names of all men who were selected for fire duty were written down by Camp Clerk Malsbury, and after the boys were loaded on the truck Timmons again checked the number against the camp clerk's list by having the boys call off in numerical order. The number called off checked with the number on the camp clerk's list and resulted in very positive statements which appear in the testimony that there were 22 enrollees on the truck. Later it was determined that there were actually 24 enrollees on the truck. This has no particular bearing on the case, but the reason for the discrepancy

is explained in Section 2 of the Appendix. This truck load of men pulled out for the fire at about 12:45 p.m.

They travelled for a distance of about 45 miles and arrived at the end of the Rock Creek road sometime between 2:00 and 2:30 p.m. While travelling along the main highway, Nevada #8, just before reaching Orovada a full view was obtained of the fire. Timmons could see horses at the edge of the fire and could see that part of the line was dead and knew that there were men already up there and working on the southwesterly side. The truck was run into a draw at the end of Rock Creek road and partly turned around. The men were unloaded and Timmons counted out 11 men and put them in charge of Assistant Leader Earnest Tippin, making 12 in all in this crew.

The men in Tippin's crew were as follows:

1. Richard Abaussleman - Army K.P.
2. Frank W. Barker - Army K.P.
3. Walter James - F.S.
4. George J. Kennedy - F.S.
5. Richard Powers - Army K.P.
6. Chester Romanouski - F.S.
7. Frank Solar - F.S.
8. John Stromick - F.S.
9. Earnest R. Tippin - F.S.
10. Alexander Varga - F.S.
11. Frank J. Vitale - Army K.P.
12. Myron Wolansky - F.S.

(All proven to have had fire training.)

Timmons started out with the following enrollees, in addition to himself:

1. Baptiste Annette - F.S.
2. Salvatore Blando - F.S.
3. Edward Carroll - Army K.P.
4. John Fasano - F.S.
5. Benjamin Grimshaw - F.S.
6. Paul Kinn - F.S.
7. Charles Nelson - F.S.
8. John Petrasek - F.S.

9. Edward Phelps - F.S.
10. Stanley Sadowski - F.S.
11. Frank Tucceri - F.S.
12. Joseph Wilson - F.S.
(All but Edward Carroll proven to have had fire training.)

Timmons had fought fire in Rock Creek two years previously and Tippin had been there on fishing trips, so that both men were familiar with the country. Timmons therefore dispatched Tippin and his crew toward the fire over the McConnel Creek Trail, instructing him to begin work on the southwest corner. Timmons gave a number of reasons for taking this action.

1. At that time the fire was spreading fastest toward the north and Timmons considered this the most dangerous part of the fire and planned to take that sector himself.

2. Tippin's crew would have the easiest travel (although possibly the longest route), being able to accomplish most of the journey over the McConnel Creek Trail which is a fairly good horse trail. The route which Timmons would have to take with his crew would involve travelling over country after the first half mile having no trails and quite steep and rocky.

3 Tippin's crew was headed toward a sector of the fire where men were already working and a portion of the line extinguished. Timmons took his crew, which he believed included ten men besides himself, and started toward the north side of the fire. They immediately left the McConnel Creek Trail and climbed out on some low ridges to the north in order to be able to get a better view of the fire as they approached. About three-quarters of a mile from the truck they crossed to the south side of Rock Creek and began the ascent to the fire over steep, rocky country.

About this time Timmons got uneasy about leaving the truck unguarded in the sagebrush and sent John Petrasek back to move it to the Gabica ranch where it would be safe. In turning the truck around the boy got it bogged down in an irrigation ditch and abandoned the truck and walked on down to the ranch. The truck caught fire later and burned about one-third of the underslung spare tire and about one-fourth of the floor boards over the spare tire.

When they had approached to within a quarter of a mile of the fire they saw it coming toward them very rapidly and retreated down the hill around the point of a ridge and into some rock ledges until the danger of being trapped had passed.

Just before starting the retreat Timmons had sent Paul Kinn back to the creek for water. Two other boys, Charles Nelson and Frank Tucceri, who were quite a little in the rear saw the main crew start to run and they ran back to the creek. They met the water boy and the three of them climbed up into the rocks on the north side of Rock Creek and did not again return to the fire. Timmons missed the water boy but assumed that he had become frightened and gone on down the creek to the Gabica ranch. He did not miss the other two boys due to the mix-up in the count of men which is explained elsewhere.

While it appears in the evidence that the boys in Timmons' crew had to run to keep out of the way of the fire, it does not appear that they were in any great danger of being trapped. Some of the boys indicated that they were frightened for a little while and others did not seem to think that they were in any great danger.

The evidence seems to support Timmons' statement that he considered the north end of the fire the most dangerous since the first break appeared to be in that direction, and that it was not until after the fire had made its quick run to the north that the wind turned and carried the fire in a westerly direction.

As soon as the danger of being trapped in the fire had passed, Timmons put his crew to work on the northeast point of the fire and spent the balance of the day in control work with apparently no incidents of any importance. He stated that the smoke was so dense that he could not tell what was happening on other portions of the fire and that he was not at any time concerned about the safety of Tippin's crew. He continued control work with his crew until late in the evening and returned to the truck about 11:15 p.m. At that time, according to Timmons' statement, the east side of the fire was either out or was burning in ledges or had run to high green country where the spread had been checked. He was not aware of the difficulties of Tippin's crew until he met some men on the trail on his way back to the truck, and these men informed him about the missing men.

In the meantime, Tippin's crew advanced toward the fire over the McConnel Creek Trail which leaves Rock Creek about a half a mile above where the truck was parked and passes through a low saddle between Rock Creek and an unnamed dry wash. A short distance beyond the saddle the McConnel Creek Trail descends abruptly, and it appears that Tippin's crew left the trail at this point and climbed out on a ridge between two forks of the wash in order to be able to approach the fire along a route that would give them a better view of the fire

which they would not have had by following the trail. When they were about a quarter of a mile from the edge of the fire Tippin stopped his crew on the ridge at a small, rocky out-crop and gave his men a little talk on safety in approaching the fire and working the line. It was apparently about this time that the fire began to run toward them and Tippin gave the order to retreat, probably having in mind at that time not a full retreat but merely falling back and working around to the side of the fire. According to testimony, some of the boys started a headlong retreat and Tippin called to them to slow down and keep their heads and save their breath. Almost immediately Tippin looked back again and saw the fire approaching much more rapidly and gave the boys the order to run. It seems probable that Stromick and Varga continued on right from the first retreat order directly back to the truck over the same route by which they had come in, climbed into the ledges on the north side of Rock Creek above the Gabica ranch and remained there until evening.

Four other boys, Wolansky, Abaussleman, Romanouski, and Solar, who appeared to be next in the line of retreat, ran down the dry wash, climbed over a knoll to the west of the saddle through which they had approached the fire, and went directly down to the truck and from there on to the Gabica ranch. These boys testified that they had to run to keep ahead of the fire and were all badly scared. However, judging from the sequence of events, it is extremely doubtful that these four boys were ever in any great danger, since if the fire had been as close to them as their testimony indicates there would not have been sufficient time for the events which transpired, resulting in the death of five of the six boys who

were behind them. From this point on the testimony of Richard Powers seems to be the most reliable. Powers testified that almost immediately at the start of the retreat that Kennedy fell down and called for help. (Another boy who looked back thought Kennedy may have gone 15 or 20 feet before falling.) Tippin and James, who were just a few feet ahead of Kennedy, turned back. They picked Kennedy up, stripped him of water bags which he was carrying, put his arms over their shoulders, and started to carry him down the hill. This is the last time that any of these three boys were seen alive. Kennedy's body was found more than a quarter of a mile from the point where Tippin and James were seen to pick him up, and the assumption is that they carried him for this distance before the fire got so close that they were forced to drop him and run for their own lives. In the meantime, Powers, Barker, and Vitale were ahead of Tippin, James, and Kennedy. Powers' testimony states that Vitale kept going on his own pretty well, but that Barker seemed to have trouble and kept falling down. Powers kept Barker ahead of him and pushed him along. At one point Barker ran around a large clump of brush and Powers went directly through it, and the two boys had a head-on collision on the other side and both fell down and rolled together. Powers got up and told Barker to follow him but Barker did not keep up. Powers seemed to think that Barker was more scared than exhausted, and the testimony of other boys indicates that Barker was in good physical condition and was light on his feet. When Powers was some distance ahead Barker called for help, and he looked back and saw him on his knees in the draw where the two had fallen down. Powers stated, however, that the fire was so close that he did not dare go back. Powers and

Vitale went through the saddle above Rock Creek at about the same time with Powers about 100 feet below or west of Vitale. When the two boys went through the saddle Powers called to Vitale to follow him, but he either ignored him or did not hear. Powers stated, however, that he knew Vitale would make the creek and assumed that he would turn down the creek toward the ranch. Powers angled down the side of the hill to Rock Creek and stated that after he reached the creek he stopped running and walked the balance of the distance to the Cabica ranch with the fire not close enough to cause him any concern.

Vitale, however, did not turn down the creek but instead climbed out on a steep mountain north of the creek, apparently with the idea that he would get up to the ledges on Snapp Mountain and reach safety in that manner. This error in judgment on the part of Vitale cost him his life, since he had plenty of time to go down the creek and reach the Cabica ranch in safety. Rock Creek at this point and on down to the truck was two or three feet wide and possibly six inches deep, flowing through a barren wash 15 to 30 feet wide with sides 8 to 10 feet high. In one or two places there were holes of sufficient depth to completely cover a man's body, so that it is at least possible, if not probable, that a man could have survived in the creek while the fire passed over him. After crossing the creek Vitale continued for more than a quarter of a mile, an exhausting climb up the steep side of Snapp Mountain toward the ledges, but was unable to reach them before the fire overtook him. He was probably within two or three hundred yards of safety when overtaken. There is a question at this point whether Vitale was actually over-

taken by the fire while running or whether he fell from exhaustion some little time before the fire reached him. The testimony of Dr. Grover, who was the first to examine the body, was to the effect that he believed Vitale was unconscious at the time the fire passed over him.

Returning to the four boys who were still in the dry wash, as stated above, Kennedy's body was found more than a quarter of a mile below the point where Tippin and James were seen to pick him up. The point where Kennedy's body was found, according to testimony given by Powers on the ground, was not more than one or two hundred feet above the point where Barker was last seen on his knees in the wash. However, the bodies of Barker, Tippin, and James were found well up on the side of a knoll west of the saddle and about 300 yards from where Barker was last seen alive. Their bodies were found only a short distance, perhaps two or three hundred feet, from the edge of unburned area of considerable size which might have proved a safe haven had they reached it. There may be two explanations for the positions of the bodies of these three boys but absolute proof, of course, will never be possible.

1. That Tippin and James after being forced to drop Kennedy on account of the proximity of the flames encountered Barker a little farther down the wash and attempted to help him reach safety. Or it is possible that they saw Barker before dropping Kennedy, figured that they could not save both and that Barker was the best chance.

2. That Tippin and James saw Barker working his way along the side of the knoll toward Rock Creek and went up to him.

Their bodies were all found with four or five feet of each

other with the bodies of Barker and James falling away from the fire and the body of Tippin in the opposite direction facing toward the fire, which may or may not be significant. Dr. Grover testified that Tippin was the only one of the three boys that moved after the fire went over them and that this movement was toward the fire rather than away. He also testified that the position of Tippin's body seemed to indicate that he was going toward the fire when it passed over him, probably in a last attempt to assist Barker and James to safety.

It was brought out at the inquest on testimony of Dr. Grover that Kennedy's ankle had suffered a compound fracture, and from the testimony it appears that this fracture must have been received at the time Kennedy called for help at the very beginning of the retreat. One or two of the boys seemed to think that possibly Barker was also injured, which accounted for his stumbling and falling so much, but there was no evidence to that effect obtained by the doctor who examined him.

After the call for help had been placed by Studebaker at about 3:50 p.m., two truck loads of about 40 men from the Paradise Camp, in charge of Foreman Abegglan and Worthington, were the first to arrive. These men probably arrived at the fire at about 6:00 p.m. Foreman Abegglan stated that he got back to camp with his crew about three or four minutes after 4:00 o'clock, received the call, fed his men, and started to the fire. By the time they arrived it was known that there were missing men who had probably been trapped.

Searching parties were immediately organized and started out to look for bodies. The testimony of a number of the witnesses is

to the effect that the search could not have commenced sooner on account of the heat of the fire. Richard Powers, the only survivor of the last six men to start out, lead one searching party to the point where he had last seen Barker and discovered Kennedy's body. By that time it was getting too dark to continue the search farther, and four boys were left to guard Kennedy's body during the night since they had no means of removing it immediately. Early in the morning, probably about daylight, a stretcher and blankets were taken in and the boys started to remove the body. Dr. Grover was with the party. After they had gone a short distance down th they stopped to rest and in looking around discovered the bodies of Tippin, James, and Barker some distance up the side of the draw from where they were resting. These bodies were also removed as soon as possible. The balance of the day, Saturday, was spent by a large number of men trying to find the body of Vitale but without success. His body was not finally found until about 10:00 o'clock on Sunday morning, July 30. All bodies were taken to Winnemucca and boys from the Paradise Camp were sent down to make the identification, which was very difficult on account of their badly burned condition.

Adverse Factors.

In common with most disasters there were a number of adverse factors, most or all of which it was not humanly possible to foresee or guard against which produced the final result.

1. The sudden change in wind direction. The prevailing winds in this part of the country are from the southwest. Normal wind direction in the afternoon in any case is up the canyons. The drainage in the country over which the fire passed is in a southwesterly dir-

ection and consequently the prevailing direction of the wind and the normal canyon air movements were in the same direction. The wind at the time Timmons started to the fire was blowing very gently from the southwest up Rock Creek toward the fire and was carrying the fire in a northerly and easterly direction. There was every reason to believe that this wind direction would continue. About 3:00 o'clock and without any warning there was a sudden change and the wind began blowing violently from the east which would naturally carry the fire down the slopes.

2. The element of uncanny timing. Had these boys been one-half an hour earlier they would have been on the fire line at the time the wind changed direction, and without doubt would have been able to cross the line and get into the burned area without even suffering discomfort. Had they been a half hour later they would have been so far from the fire at the time of the blow-up that none of them would have had any difficulty in making their escape. Evidence at hand seems to show that there was some delay in making the get away from the main camp, but probably not as much as half an hour could have been saved. In any event, there is no moral to be drawn, because while we are inclined to praise the early bird that catches the worm, we must not lose sight of the fact that it is the early worm that gets caught. In any event, it seems probable that these boys reached the scene of the fire at about the only time of day that would have resulted in serious consequences.

3. The personal injury to Kennedy. is entirely reasonable to assume that if Kennedy had not broken hi that he would have been able to escape, since the testimony discloses that Kennedy

was in good physical condition and was so far from being exhausted that he was singing while going up the trail to the point where the retreat started. Tippin and James are described as being strong, husky boys in prime physical condition, the best boys of the entire bunch. There is absolutely no question but what they could easily have made their escape had they not been burdened with Kennedy during the retreat. There is every reason to believe that barring the accident to Kennedy, which delayed them for a considerable time before they reached Barker, that there would have been plenty of time to assist Barker in the last few hundred feet to safety. After making two trips over the scene of the fire and questioning everyone who had any first-hand knowledge, I am absolutely convinced in my own mind that the accident to Kennedy was directly responsible for the death of four of the boys.

Just what might have happened in the case of Vitale is an open question. If he had been left to his own devices, he would have probably done just what he did regardless of the accident to Kennedy. However, it is possible that if Assistant Leader Tippin who was in charge of the crew had not had to abandon his crew in order to attempt to save Kennedy's life that he might have kept the boys in closer formation and taken them all to safety. This possibility is supported by the fact that Tippin must have had a very high sense of responsibility for the safety of his men, otherwise, he would not have risked and lost his own life in attempting to help them out.

I. Recommendations.

After carefully weighing all of the evidence I do not believe that Timmons can be blamed or should suffer any disciplinary action.

Timmons was both well trained and experienced in fighting fires of this kind. He had a high sense of responsibility for the safety of his men, and according to statements of many of the boys had their complete confidence. I judged from their statements that he was one of the best liked, if not the best liked, man in the technical overhead. Considering his previous experience and the history of the action of sagebrush fires, he had no reason to believe that Tippin's crew was being sent to a dangerous place. While he took for himself and his crew the most difficult and dangerous part of the fire, there was absolutely no reason to believe that either crew would encounter any particular danger. The only action taken by Timmons which might be questioned was the dividing of his crew before reaching the fire line, and I doubt if this action would be seriously questioned by anyone familiar with firefighting practice, particularly in this kind of cover. Analyzing this action, the following points come to mind:

1. The division of crews into small units of from 8 to 12 men is general practice, since it is the more or less universal belief that much larger crews do not work effectively under single leadership.

2. Tippin who is an experienced fighter in this type of cover did not consider the route of Tippin's crew to the fire as containing any elements of danger. The fire was burning slowly and distinctly away from the route of approach. There was nothing in Timmons' experience or in previous history of sagebrush fires to arouse any fear that this fire might assume such proportions and travel so fast that men would not be able to escape on the down hill side. With

twenty-seven years of firefighting experience in this Region, I would not myself have hesitated for a minute to approach the fire along the route taken by Tippin's crew. Other men of long firefighting experience, including Roy Headley, Chief of the Division of Fire Control of the Forest Service, and A. D. Molohon of the Division of Grazing made the same statement.

3. If one approach to the fire was more dangerous than another, Timmons took for himself what seemed to be the most dangerous side. Subsequent events proved this to be true since the fire made a quick run to the north before it began its long run to the west and gave Timmons' crew a few uncomfortable moments before threatening the other boys.

4. The portion of the fire assigned to Tippin had the easiest approach along a good trail, was toward the quietest side of the fire, and to a point where it was known that local men were already working. The side taken by Timmons involved steep climbs over much rougher country.

5. Tippin, although an enrollee assistant leader, was a man of unusual ability and a highly developed sense of responsibility. The testimony of the surviving men in his crew was to the effect that he had their complete confidence.

Under the above circumstances it is impossible to see where any blame could be placed on Timmons for his actions on the fire.

II. Recommendations.

Starting from an absurdity, it is evident that there would be no fatalities fighting fires with CCC boys if they were not permitted to perform this line of work. Going on from this point it would seem

that there is a divided responsibility:

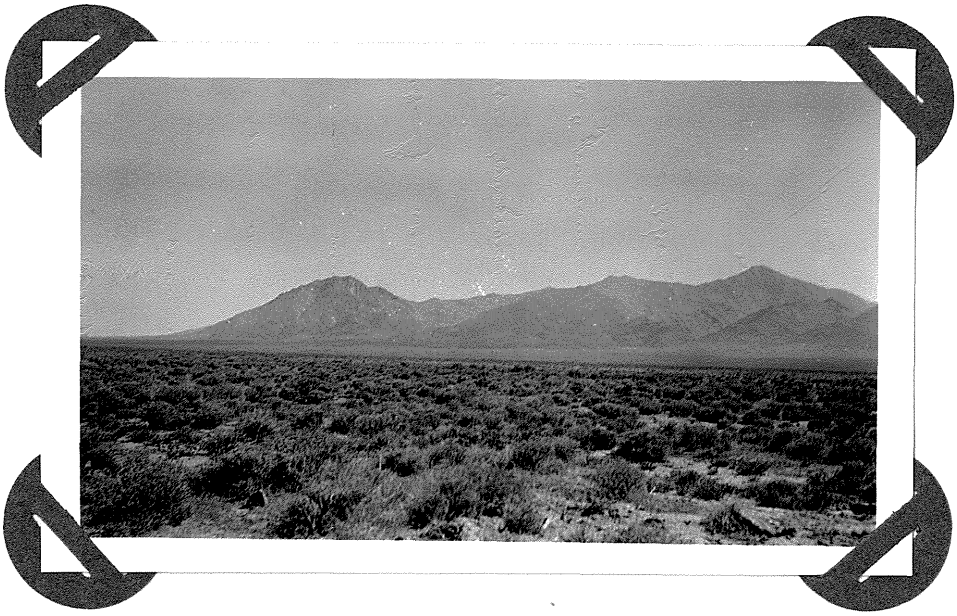
1. The responsibility of the men higher up in the CCC organization to establish a few fundamental rules which will act as a safeguard against ill-advised action in all CCC camps.

2. Responsibility of local overhead to see that the minute details of firefighting are carried out in a manner which will assure the utmost safety to the boys.

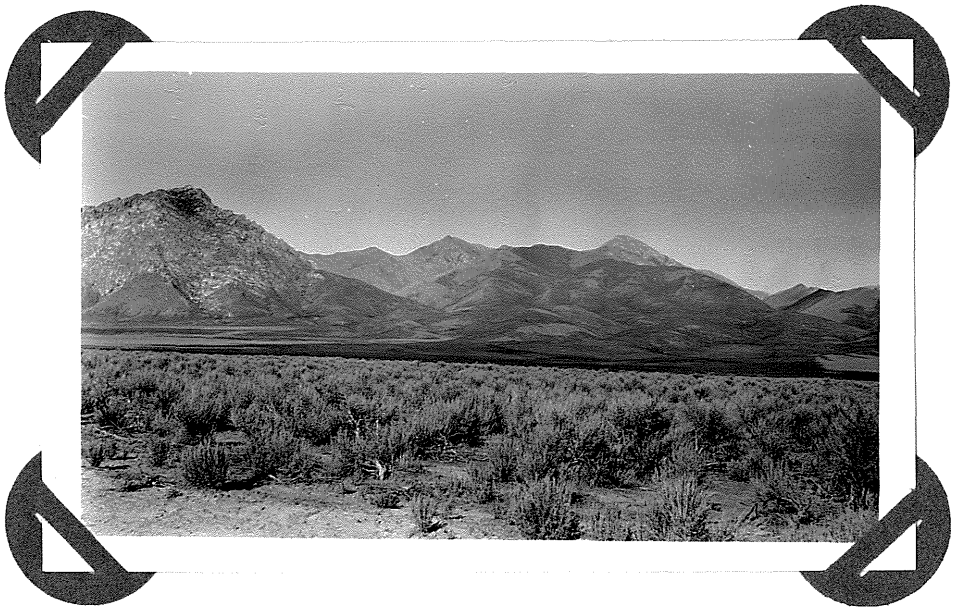
As the CCC program continues we seem to be getting a progressively larger percentage of under-aged, immature boys, many of them with pronounced mental and physical defects. This has probably been due in part to lowering the age limit to 17 years and partly to causes which are well-known but need not be stated here. It is my personal belief that there are many boys now in the CCC camps who are not over 15 years old and who are immature in both mind and body. These boys should not be permitted to be sent to fires. But up until a few days ago there were no restrictions on fire duty for any of the CCC boys. I am glad to note that the higher authorities of the CCC within the last few days have placed an age limit on fire fighters of 18 years. This is a good move. Probably there was the thought that boys who were under-age would all be in the 17-year age class and would be automatically eliminated. I question that the rule will be quite that automatic and believe that we should go further in the selection of boys for fire duty. There should be some systematic method of weeding out the immature boys and the ones who are physically defective or mentally confused. It is possible that under some such system Vitale and Barker might have been ruled out. I would recommend, therefore, that in addition to the 18-year limit as now established that

boys shall be certified for fire duty only after examination by the camp doctor and certification by the camp superintendent and camp commander.

After days of study of all the circumstances and conditions surrounding this fire and the various actions taken, I believe that this is the only constructive recommendation which can be made, and it is still not at all clear that it would have made any difference in this particular case.



View of portion of Santa Rosa Mountains where fire occurred. Taken from Nevada Highway No. 8.



View of portion of Santa Rosa Mountains where fire occurred. Taken from Nevada Highway No. 8.

View showing character of country burned over.

R. 37 E.

R. 38 E.

El. 4350'
Studebaker Store

Gabica Ranch

Rock Cr. Road

Rock Creek

Rock Ledge

Snapp Mtn.

El. 7800'

TIMMON'S LINE.

Truck

El. 4800'

UNBURNED

Pass

El. 5200
Saddle

ORIGIN OF FIRE.

WHEN GABICA & STUDEBAKER CAME.

WHEN BLOWUP CAME.

PERIMETER OF FIRE.

FIRST WORK ON FIRE.

McConnell Creek Trail

Wash

Creek

Antelope Creek Road

Antelope Creek

McConnell Creek

FOREST BOUNDARY

10 N HIGHWAY

N.

N.

ROCK CREEK FIRE
OF
JULY 28, 1939.

SANTA ROSA DIVISION
TOIYABE NATIONAL FOREST
NEVADA

SCALE 4" = 1 MILE

Traced - P S Bieler

LEGEND.

- × Location of Bodies
- Timmons route to fire and Retreat.
- Gabica Trail to Fire.
- Studebaker trail to and from fire, and Gabica from fire.
- Tippin's Crew advance and Retreat.
- ⊕ Kennedy broke ankle - called for help.
- Retreat of Kennedy and aides.
- Retreat of Vitale
- Retreat of Powers
- Retreat of Tippin
- Retreat of James
- Retreat of Barker

A P P E N D I X

Section 1

Report on Rock Creek Fire

by

Roy Headley, Chief, Division of Fire Control, U. S. Forest Service, Washington, D. C.

Report based on a personal investigation by Mr. Headley on August 1 and 2, 1939.

Ogden, Utah
Aug. 4, 1939

Report on loss of life in Camp F-5, Co. 1212, at Rock Creek Fire of July 28, 1939 on Santa Rosa division of Toiyabe National Forest at a point near Orovada and about 50 miles north of Winnemucca, Nevada.

Preliminary figures give a total burned area of about 4,500 acres, 1,120 of which were inside the national forest; the remainder on outside public domain and private land.

Except for a few unimportant small clumps of small trees, the cover was sagebrush, sparse dry grass and some weeds. The sage varied in height from 1 to 4 feet and in density from practically none to a fairly dense stand. The sagebrush must have been responsible for a good deal of the reported stumbling and falling as the boys ran. Most of the ground was fairly free from rocks although at the exact point where Enrollee Kennedy seems to have broken his ankle there was a small patch of rocks on a gentle up-slope on top of a small ridge.

Most of the burned area lies in the "flat" adjacent to the highway. The remainder, where all fatalities occurred, is on the lower slopes of a typical Nevada mountain range. Steepness of slopes above the flat varied but perhaps averaged 50 percent. Horses can be ridden easily over practically all the burned area. The difference in elevation between the extreme low and high sides of the fire is estimated to be between 3500 and 4000 feet.

Because of long experience these sage and sparse grass national forests of Nevada are regarded as about as easy to protect as any in the United States. No lookout stations of the usual type are maintained and no personnel are employed especially for fire. A wind-driven fire can run as rapidly in sage as in any other fuel, but no one has as yet recalled any other instance in which there was any difficulty in getting away on the downhill side of a fire on such slopes as these. Even with the extreme rate of spread in this fire, most or all of the five men who were caught would doubtless have escaped except for the delay and diversion of Assistant Leader Tippin's attention, caused by the breaking of Kennedy's ankle. No previous loss of life is known to have occurred in fighting Nevada sagebrush fires.

The actual strike of the dry lightning which started this fire was seen from ranches in the valley below; also the start of the fire at a point 3/4 to 1 mile inside the national forest boundary.

A crew of seven cooperating ranchers and road maintenance men started as soon as they ate dinner. They reached the fire 2 to 2½ hours after it started at which time it was said to be 20 to 25 acres in size. This crew worked something over an hour before the reverse high wind occurred. They then started back at a time when the CCC crew had not yet reached the edge of the fire.

The dead are five in number--all from Assistant Leader Tippin's sub-crew: Tippin, Kennedy, James, Barker and Vitale.

As soon as the transcript of the inquest testimony can be obtained, maps prepared and testimony of surviving members of the crew typed, a complete report will be submitted by the Region. In the following pages I shall confine myself to the factors which contributed to the disaster--or which might be alleged to have contributed to it. I shall give my conclusions and recommendations at the close.

The wind.

All testimony agrees that up until about 3:00 p.m. the wind was from the southwest and "hardly noticeable" as one man put it. At about 3:00 p.m. the wind suddenly started blowing from the east at a rate variously described as "a gale", "very high" or "30 to 40 miles per hour". My guess is that the 30 to 40 mile estimate is correct.

Except for this sudden high wind the fire would have been nothing but one more small sagebrush fire.

As at the tragic Blackwater fire in 1937 and the recent disastrous Black Hills fire (at which no fatalities occurred), sudden wind changes and high wind velocities started the trouble.

The high rate of spread.

After the high east wind started, the fire apparently ran about 3 1/2 miles in 3/4 of an hour or at the rate of 4 1/2 miles per hour. After piecing together various bits of evidence, I should estimate that the fire moved at the rate of 6 or 7 miles per hour across the slopes and gulches where the bodies of all but Vitale were found,--possibly a little faster for short distances than an unencumbered man could run through the sagebrush. The apparently reliable testimony of the crew of cooperators is that with the aid of horses for part of the men and, for part of the distance, a car on a slow road, they had no more than enough time to reach the highway and safety.

This is an unusually high rate of spread for any part of the country. As previously stated, no such rate of downhill spread in sagebrush has been recalled by any one of those I have asked.

The accident to Enrollee Kennedy.

It seems that Kennedy must have broken his ankle at or within a few steps from the spot at which the retreat started. While the ground is not too difficult, there are some rocks and at that time there was also a fairly dense growth of sagebrush.

The testimony is clear that Kennedy was good on his feet and in good physical condition. One witness testified that Kennedy was singing as the file climbed the hill. The accident must be recorded, therefore, as one of the things which could happen to anyone.

To the combination of sudden high wind, extreme rate of spread down hill and unlucky timing mentioned hereafter, was added one more mishap--a compound fracture of an ankle at the worst possible moment.

With the possible exception of Barker, all evidence shows that all five of the killed boys could and would have escaped despite everything else--if only the accident had not happened to Kennedy.

Vitale, although handicapped by poor eyesight and broken glasses, actually made Rock Creek at about the same time as Powers who walked comfortably down this route to safety. But Vitale crossed this route and climbed a steep slope until he either collapsed from exhaustion or was overtaken by the flames, when within less than a quarter mile of bare rocks and safety. If Assistant Leader Tippin had been free to keep his crew together, it is safe to assume that Vitale would not have wasted his strength climbing away from the natural and best route to safety.

The factor of timing.

If every step from discovery of the fire to arrival at the fire had clicked a little faster, 30 minutes would have been saved. If the CCC crew had reached the fire 30 minutes before it did, some of the fire edge would probably have been dirted down. In that event the boys could have stepped into the burnt ground and safety, in one of the customary ways of escaping when a grass or sagebrush fire gets out of hand. If the crew had been 30 minutes later, the down hill run of the fire would have given warning while the boys were all in an excellent position to retire safely. Instead, they had gotten just near enough to be within reach of the run of the fire and not near enough to have dirted down any fire edge. Any such places where the edge had been dirted down would have been open gates to safety on the burnt side. The ranchers testified that if they had wished, they could have gone into the burn. They went down the hill only because of concern for their ranches and car.

Training.

The belief is held by some that fire training of enrollees is an important safety measure. In reporting what he knew of public reactions, one local man said--"they say,--'why do they send these untrained boys to fight fire'". In deference to this belief, a particular effort was made to determine whether all boys concerned had gone through the spring fire training as required.

The statements of the boys when typed, will show pretty conclusively that the five dead boys had all had the spring fire training. One of the surviving members of the crew, who was working in the kitchen, said he had only "watched it through the window". Another, a garage helper, missed the May training at this camp but said he had had fire training one or more times at other camps where he had been employed. All other members of the crew which left camp with Foreman Timmons had the May 1939 fire training.

Foreman Timmons definitely refused to take to this fire any boys from some 60 replacements just received, who had not had fire training.

According to my present information, there was no signed roster of boys who had received training, as required by Assistant Regional Forester Kinney's CCC Safety circular of April 4, 1939.

I believe that the then Acting camp superintendent had withheld some truck drivers from fire training in order to get a car of lumber unloaded.

It is my opinion, long held and reinforced by this tragedy, that most of the dependence placed on training of enrollees for safety is an illusion.

Training of leaders, foremen and others of higher rank is important. The best they can be given is none too good and the most they can be given is none too much. Any training of enrollees which will increase the likelihood that they will stay with and obey their foreman or leader is also important--although no one should expect to make undisciplined and inexperienced boys obey fully and stay together in times of stress by merely talking about it. Something can also be accomplished in some instances by telling boys about falling limbs and snags and rolling rocks. But beyond that, the idea of attaining safety from fire by training enrollees is a dangerous illusion--dangerous, because it leads to an erroneous feeling that something real has been accomplished and thereby retards the search for safety training of real value.

In this particular instance I can think of no way in which the conventional training of enrollees made or could have made any difference in loss of life.

Nevertheless, these appalling disasters must be stopped, if possible. Furthermore, there is a core of pertinent truth in the cry "why do they send these untrained boys to fight fire".

Under "recommendations" is offered a plan which, viewed optimistically, might possibly have saved one or two lives in this case and which seems to me to be sound and practicable for general application.

Physical fitness of enrollees.

There is a question about Barker. I know of no way to make sure whether he was or was not physically fit. He seems to have given out in a climb which the others stood in good shape--possibly because in his kitchen job he had not been sufficiently hardened for climbing. He may have been injured in a fall early in the retreat.

At any rate, Powers, the last man of the original retreating file to escape, helped Barker for awhile and the evidence strongly

suggests that Tippin and James were helping Barker when all three were overtaken and their bodies left close together by the flames.

Testimony as to Barker's physical condition was not unanimous but was mostly to the effect that he was athletic, good on his feet and in good condition.

There is apparently no way to determine with certainty why Barker was unable to keep up with those who retreated successfully.

My inclination is to say that Vitale should not have been in the crew because of his poor eyes and broken glasses; but he proved he had enough strength to attain safety, if he had only taken the right route--as Enrollee Powers fully expected him to do.

All the others seem to have been physically fit considering how young they all are. But I believe it is practicable to be more sure about physical fitness. A plan to that end is included under "recommendations".

The part played by Foreman Timmons.

Since this is likely to be a controversial point, I have given it special attention. It has been hinted that he more or less consciously sent Assistant Leader Tippin and eleven enrollees into the most dangerous sector; that this is shown by the fact that he gave Tippin one more man than he took himself; that Timmons should not have divided his crew; that he did not show proper concern for the sub-crew under Tippin; and that he did not keep sufficient track of the men he took with himself.

The evidence is overwhelming that Timmons took the worst of it instead of giving Tippin the worst of it. Timmons went himself toward what was the head of the fire until the wind changed. He gave Tippin the trail to follow, the easiest slopes to work on and what was then the side and rear of the fire rather than the front. He sent Tippin toward the sector where he had seen men working as he approached the fire. The sector Timmons took included the worst climbing and the roughest ground. Timmons had to retreat once as he approached his portion of the edge.

It should be remembered that until the wind changed on this fire, there was nothing in Nevada fire history or fire experience to suggest danger--except the general principle that all fires are dangerous.

The next to the worst thing I can say about Timmons' division of the crew at a point about 1 mile from where the edge of the fire then was, is that I am sure I would not have done it. As a matter of getting the most effective work done on a fire, I have a strong personal bias against the too common tendency to fight a fire on too many fronts. The worst thing I can say is another "if". If Timmons had kept the entire 25-man group together until they reached the edge, the tragedy might not have happened. Without a map and a good deal of study on the reader's part it is impossible to present all the

alternatives that might have happened. Enough to say that, obviously, if Timmons had taken all men by the same route he took toward what was then the worst part of the fire, all would have escaped, barring accidents such as happened to Kennedy.

But there is another side to it. I am pretty much alone among fire control men in my aversion to fighting on too many fronts. Moreover, as soon as I had reached the edge I would undoubtedly have sent part of the crew each way, thus soon losing direct observation and control of the men. Also, if Timmons had kept the entire crew together and had taken the exact route Tippin did (a quite possible thing) the loss of life might have been even greater than it was.

To stop these sagebrush and grass fires does not require the slow, heavy work involved in a timber and deep duff fire. The flames in the sage must be dirted down and any grass fire must be dirted or beaten or scraped out. With the flames stopped, the fire tends to go out quickly. Thus a well managed crew moves fast along the edge. But the fire may readily start up here or there after such treatment. Hence, plenty of men must be left to patrol and watch. The inevitable result is a pretty wide distribution of men later if not at the start; and it is usual practice to distribute men rather widely at the start. Timmons was following what he had been taught.

When Timmons says he was prevented by the smoke from seeing what was happening on the down hill side where Tippin and his men were, I believe him. The evidence one can still read on the ground, bears him out. I do not remember that we asked him the specific question but I presume he shared the general confidence in Tippin and felt that Tippin could take care of himself and his men. Timmons had no reason to fear such a thing as the broken ankle.

When Timmons came down that night he thought all his men were with him or accounted for. By accident and a good deal of digging, we were the first to discover that Timmons had two more men that he thought he had. In the company clerk's list of the men who started from camp, two men were omitted. In the count before leaving camp (by counting off by boys, I believe), two men were missed. Timmons thought he had 23 men including himself. He had 25 including himself. He did not count the whole crew again except to count off 11 men to Tippin. Consequently, when two men got behind in Timmon's group; ran when they saw the group ahead running from the fire; and then hid out in the rocks until evening; Timmons did not miss them. This sounds bad and it is bad; but I know too well how hard it is to count and keep track of even grown men to be surprised or critical at Timmons' failure to get a correct count in the hurry and confusion. With all the camp records and checks, no one else discovered the discrepancy until we stumbled on it 5 days after the fire.

Since disciplinary action against Timmons may be considered, it may be worthwhile to marshall the arguments, pro and con, in parallel columns.

For discipline of Foreman Timmons	Against discipline of Foreman Timmons
1. He violated para. 3, Sec. 1, Chapter 12 of CCC Safety Regulations of 1938. This paragraph requires that "no enrollees shall be sent to fires except under the supervision of a foreman . . ."	1. What Timmons did was not even a technical violation of this regulation. The men were all under his supervision. From the point where Timmons expected to reach the edge of the fire it would have been no farther to the far end of the sector he assigned to Tippin than to the far end of the sector Timmons took for himself. Tippin's sector was definitely the easier as of the time when the men were divided. Direct personal supervision of all boys on such a job is not possible.
2. He gave Tippin the worst of it and took the best of it for himself.	2. The testimony of men who know and the evidence on the ground are overwhelmingly to the contrary.
3. He did not show proper concern for Tippin's crew after the blow up came.	3. He could not see what was happening and had no reason to assume that the downhill run of the fire was any worse where Tippin was than where Timmons himself had to retreat and sidestep.
4. He should have come down sooner and acted as general fire boss, coordinator and director of rescue work until arrival of the District Ranger.	4. He had no reason to suspect the occurrence of a tragedy. He could not properly leave his boys alone on the line. From experience in the same watershed in 1937 he knew such a fire could run up hill fast enough to make it difficult for even a mounted man to escape up hill. Timmons and his boys were on the uphill side.
5. He should have known that two of his own boys were missing.	5. He should, but the fact that he did not know of the presence of two extra men and therefore did not miss them is not surprising. Handling men enroute to and on a fire is not and cannot be like close order drill on a parade ground.
6. The public is critical about such loss of life. Something must be done to allay public alarm. If nothing better offers, a scapegoat must be found.	6. Finding a scapegoat will save no lives. The local public, while naturally disturbed, is fair and would not approve anything which it might suspect as goat hunting. Both the local and general publics are more likely to be impressed by constructive measures such as that proposed at the close of this report.

For discipline of Foreman Timmons	Against discipline of Foreman Timmons
7. He should not have taken boys of questionable fitness for work.	7. He definitely refused to take untrained boys. He asked and received Army permission to take camp overhead workers. He had no way of knowing about Vitale's eyes and Barker's weakness--if he was weak. The responsibility for use of boys of questionable physical fitness belongs to higher officers.

The part played by Assistant Leader Tippin.

Tippin and James undoubtedly lost their lives because they tried to help Kennedy and probably Barker. Powers testifies clearly that when he looked back he saw Kennedy between James and Tippin and with his arms around their shoulders. This is exactly the way an effort should have been made to help out a man with one useless leg. Tippin and James should be recommended for award of the medal for heroism in fire fighting.

Testimony was clear that at the spot at which Tippin's crew stopped to rest and from which they later turned back, Tippin gave a short safety talk.

There is some evidence that Tippin gave the order to retreat after the rancher-cooperators had started; but the evidence also shows that Tippin's position did not permit him to see what the fire was doing as soon as the ranchers could.

In studying the lay of the ground and the run of the fire, one inevitably wonders why Tippin left the trail and worked over on an adjoining ridge. Viewing the scene after the fire, it looks as though Tippin would have had a better route to the fire and a much better chance to escape if he had stuck to the trail. The accident to Kennedy would probably not have happened if on the trail.

Testimony of various witnesses supplies a fairly clear answer. Tippin was maneuvering toward what was then the rear of the fire. If at that time, he had any thought of danger, that was exactly what he should have done.

The line of approach to the fire.

It is possible and would not be surprising for the lines of approach to be questioned. The fact is that no other general approach was logical or practicable. To make this possible criticism mean anything, it would have to be interpreted as saying that the men should have gone around to the uphill side of the fire which later proved to be the rear of the fire. But the uphill side is normally the dangerous side and was so in this case until the sudden change of wind.

Conclusions.

My conclusions are as follows:

1. The loss of life was the result of a combination of adverse circumstances and an accident which could not have been foreseen or guarded against.

2. No negligence, incompetence or blame can be attributed to any one connected with the fire.

3. Study of the disaster suggests certain constructive future steps which are desirable generally and which, in this particular case, might have saved one or two lives.

Recommendations.

1. That no disciplinary action be taken against anyone concerned.

2. Associate Regional Forester Rice is glad that Mr. Fechner has ordered that no boys under 18 be taken to fires; but believes that a further step should be taken. No boys should go to fires unless and until the camp commander, the camp superintendent and the camp doctor have jointly certified that each boy has attained a sufficient degree of mental and physical maturity to justify using him on fires in the zone of probable action.

Captain Seitz, Commander of F-5, adds the excellent suggestion that this certification be attended with some formality. A card certificate could be prepared and signed by the three officers. The boys would usually prize such a certificate. Much might be made of the device for morale building.

After study of this situation in the light of other experience, I would add the following: The certificate would not be issued until after a full day spent in hiking over trails and rough ground and actual work on dummy fire lines. An examination by the doctor should be given immediately after the day's exertion to search out cases of poor hearts, lungs or other weaknesses which might have previously been missed.

The day's work should be reasonably strenuous. It might include some running over rough ground for training as well as testing.

Plenty of observers should accompany the file. Such a test might disclose some foremen who could not take it and should not be permitted to go to fires.

This day of real test and training would be in addition to any training now prescribed. The major purposes would be as follows:

(1) To weed out boys who cannot be depended upon to obey foremen and leaders.

(2) To weed out boys who cannot or will not keep up and keep together because of physical weakness, laziness or poor mental attitudes.

(3) To weed out boys having miscellaneous defects which should be considered sufficient reason for exclusion from fire fighting crews.

(4) To give real training in and familiarity with the kind of climbing, cross country hiking and work involved in fire fighting.

(Signed) Roy Headley
Chief, Division of Fire Control

A P P E N D I X

Section 2

Statements Obtained and Evidence Collected during an Investigation of the Rock Creek Fire from July 30 to August 2, 1939.

By

W. B. Rice, Associate Regional Forester,
Region 4.

List of Dead

Frank J. Vitale - CC-2 - 306405
189 Clifton Place, Brooklyn, N. Y.
(Found under ledges on north side of creek)
Mother - Jennie Vitale.

Walter James - CC-2 - 307095
162 Woodland Ave., Ridgewood, N. Y.
Mother - Anna James.

Frank W. Barker - CC-2 - 307001
1021 Remsen Ave., Brooklyn, N. Y.
Mother - Helen Kash.

George J. Kennedy - CC-2 - 284415
336 West 11th St., New York City.
(Broken ankle)
Mother - Bridget Kennedy.

Earnest R. Tippin - CC-9 - 259132
Oswego, Kansas
(Leader)
Father - Raymond Tippin.

Weather Records

The weather records at Orovada show .03 of an inch of precipitation on the day of the fire. This slight precipitation apparently occurred late in the afternoon. On the 29th there were a number of heavy showers with an aggregate of .35 inches of precipitation recorded at Orovada. Statements of witnesses are to the effect that this rainfall began about noon and continued as heavy showers during the afternoon. When I reached Orovada at ten o'clock on the morning of July 30th there was water still standing in the borrow pits along the highway.

Precipitation at Orovada

May 1939	Inches		
10	.60		
15	T		
19	T		
21	.13		
22	.01		
25	.03		
26	T	Total	.85

June 1939	Inches		
5	T		
16	.45		
17	.05		
18	.01		
19	.01		
20-30	None	Total	.52

July 1939	Inches		
1-27	None		
28	.03		
29	.35	Total	.38

Normal annual precipitation		10.00
Normal May	"	1.07
Normal June	"	.84
Normal July	"	.20

Statement of K. O. Studebaker,
storekeeper at Orovada, Nevada.

On being questioned Mr. Studebaker made the following statements:

That on July 28, 1939 a dry lightning storm passed over the Santa Rosa Mountains and that one clap of thunder was so unusually loud as to attract his attention. He looked out and saw a fire starting near the top of the ridge between Antelope Creek and Rock Creek on a small tributary of Antelope Creek. This was about 11:30 a.m. There was practically no wind and the fire seemed to be burning slowly. Mr. Studebaker immediately called the ranger station at Paradise and reported the fire to Mrs. Travis, wife of the district ranger. He then called Frank Gabica, living on a ranch about three-quarters of a mile east of Orovada. Gabica was already aware of the fire, and after talking it over both men decided that they would go. Shortly after, a road maintenance crew of two men came into lunch at Studebaker's, and as soon as the road men and Studebakers had eaten lunch, Studebaker and his brother and the two road maintenance men started to the fire. This was probably about 12:30 p.m. or one hour subsequent to the start. These men went in a car up Antelope Creek as far as possible and then took off on foot toward the fire up the ridge on the north side of Antelope Creek. Studebaker estimated that it was about two miles from the place where the car was left to the fire. While enroute to the fire they met Frank Gabica and his two boys from the ranch on their way to the fire on horseback, and the 7 men went on together. At the time of arrival, about 1:30 or 2:00 p.m., the size of the fire

was estimated to be somewhere between 20 and 25 acres and not burning very fast. All men had shovels and proceeded to dirt down the fire. This continued for about an hour. In the meantime, they had sighted a CCC crew coming up the mountain from the Rock Creek side. (They went into a draw between Rock Cr. and Antelope Cr. and probably were out of sight of the fire for a short time. W.B.R.) At this time a high wind developed, coming from the east and blowing downhill toward the valley. Studebaker described the wind as being of gale proportions. The fire immediately began to run down the mountain at a high rate of speed. The 7 men on the fire line were in no immediate danger since they could have easily gotten within the burned area, but Studebaker was worried about his car and Gabica about his ranch, and the men all decided to go out ahead of the fire and save their property. Studebaker saw the boys coming up a minute or two before he started to run, but did not see them afterwards. He thought they could tell the condition of the fire and was too far away to warn them anyway. Studebaker testified that they had to run as fast as they could to keep ahead of the fire and only beat it to the car by a narrow margin. Gabica who is a heavy man and was riding a tired horse was afraid to risk reaching the highway on horseback and turned his horse loose and got in the car with the other three men. (The horse that was turned loose later arrived at the ranch with his fetlocks gone and his tail half burned off.) Studebaker drove the car as fast as he could over the rough Antelope Creek road, and stated that he probably reached the highway about five minutes ahead of the fire. The two Gabica boys on horseback attempted to go around the head of the fire

in order to reach their ranch, but were unable to do so and had to retreat to the highway. The estimate of time from the blow-up of the fire until the men reached the highway is from 30 to 45 minutes. (During this period the fire travelled an airline distance of 3 miles.) As soon as he reached Orovada, Studebaker put in a call to the Paradise Camp for reinforcements. He also called the Quinn River Camp of the Division of Grazing and sent a messenger from McDermitt to the McDermitt Camp, also a Division of Grazing Camp.

After the big run of the fire the wind continued strong until about 7:30 and the fire continued to spread to the north and west.

Studebaker did not again go back to the fire and stated that during the afternoon somewhere between 150 and 200 ranchers from a radius of 25 miles or more came to the fire to help protect the property of their neighbors. These men when they arrived helped with the suppression work and also later to some extent in the hunt for the bodies of the boys who were burned. The fire came down the Antelope Creek side first and hit the highway on the south edge. The short middle drainage where the boys were killed burned out next and Rock Creek last.

Statement of Frank Gabica - Rancher near Orovada

Frank Gabica stated in effect that a dry lightning storm passed over the Santa Rosa Mountains about 11:30 a.m. on July 28, 1939. There was an especially loud clap of thunder that attracted his attention. His boy, possibly 9 or 10 years old, came into the house and told him that a fire had started up on the mountain. In questioning the boy he stated that his sister actually saw the lightning strike. Gabica and two boys from the ranch got horses and started up Rock Creek to the fire. On the way up they met Studebaker and his men who came from Orovada up the Antelope Creek ridge. From this point on, including the retreat to the highway, Gabica's statements correspond almost exactly to those of Studebaker.

Gabica stated that the fire came to his ranch first on the south side, coming around the point of the hill between Rock Creek and the unnamed dry wash where four of the boys were burned. It came down Rock Creek a few minutes later, possibly 10 minutes, and hit his ranch on the east side. (This bears out statements of other witnesses that the fire burned down Antelope Creek first, next down the dry wash between Antelope and Rock Creeks, and finally down main Rock Creek.)

Time of Calls

The time on telephone calls was checked with the telephone operator at Winnemucca. The toll ticket on the first call from Orovada to Ranger Travis indicates that this call was put in at 11:23 a.m. on July 28.

The calls for reinforcements from the Paradise, Quinn River, and McDermitt Camps are timed on the tickets at 3:50 p.m., July 28. Lt. Ford at the Paradise Camp insists that he is positive that they received their call for reinforcements at exactly 3:30 p.m. Since a number of calls were placed in quick succession, it is possible that the time on the toll tickets indicates the time of the last call and that the first call to the Paradise Camp may have been placed slightly earlier than the toll ticket indicates.

Statement of Ranger Travis

Ranger Travis stated that on the afternoon of July 28, 1939, he was on horseback in the head of the North Fork of the Little Humboldt River. About 5:00 p.m. he thought he saw smoke on the other side of the mountain in the direction of Rock Creek. He states that he was not certain whether it was smoke or a cloud, but went immediately to the nearest telephone at Martin Creek and called in about 6:30 and was informed of the fire. He left immediately by car and reached the Paradise Ranger Station, which is immediately adjacent to the Paradise CCC Camp, about 7:00 p.m. He talked for a few minutes with Superintendent Hardy of the Paradise Camp and then left by car for the fire, reaching there about 8:00 p.m.

Statement of L. M. Malsbury, Enrollee Camp Clerk

Malsbury stated that Ranger Travis' son came over to camp and reported the Rock Creek fire to him at about 11:45 a.m., July 28, 1939. It was nearly lunch time and the enrollees were getting ready to eat. He asked the cooks to hurry up lunch and got the men fed and went to get Timmons who had gone home for his own lunch. Malsbury met him coming back to camp about 12:20 p.m. and reported the fire to him.

Statement of W. V. Timmons

Paradise, Nevada.
July 30, 1939

Employed as camp mechanic at Paradise Camp F-5, Company 1212. Returning from lunch about 12:30 p.m. on Friday, July 28, 1939, was informed about fire by Camp Clerk Malsbury. Organized a crew of 22 men, recruited about as follows:

6 from Army overhead (Later determined to be 5 - WBR).
6 from Jack Abegglan's crew working for Army on lavatory.
1 Camp Clerk
7 from shop and garage crew

Left for fire about 12:45. Travelled about 45 miles and arrived at end of road nearest fire at about 2:30.

Left truck at end of road and split crew, giving Leader Tippin 11 men. The fire seemed to be travelling north and east, so instructed Tippin to take his men to the south side and started with balance of crew to the north side which looked the most dangerous. Was still about 300 yards from the fire when the break came.

Up to this time the fire had appeared calm and burning to the north, and from the end of the road appeared to be 5 or 6 acres in size. A very light wind was blowing up Rock Creek Canyon.

About 3 o'clock the wind reversed and blew down the canyon. Wind was high. Crew had some difficulty in keeping ahead of the fire to the top of the main ridge. On reaching the ridge worked the balance of the day on the east edge of the fire and returned to the truck about 11:15 p.m. At the time of leaving, the east side of the fire was either out or burning in the ledges. Learned of the accident from men on the trail when on the way back to the truck.

(Signed) Wilbur V. Timmons

Additional Statements - Timmons

Paradise, Nevada.
July 31, 1939

After Timmons' crew got quite a way up Rock Creek, perhaps half a mile or more, Timmons got uneasy about leaving the truck unguarded in the sagebrush and sent a boy back to move it back to the Gabica ranch. The boy got the truck stuck in an irrigation ditch, or rather a pipe line with a lot of breaks and holes in it, abandoned the truck and walked on down to the ranch. Truck caught fire later and burned about one-third of the underslung spare tire and about one-fourth of the floor boards over the spare tire. During the night, probably just before daylight Saturday a.m., Foremen Worthington and Abegglan took their trucks up and pulled it out.

(Signed) Wilbur V. Timmons

Statement of Wilbur V. Timmons, Mechanic,
Paradise Camp F-5, Company 1212, on
August 2, 1939.

On this day I took testimony from all of the surviving enrollees that went on first call to the Rock Creek fire, with the exception of Richard Powers whose testimony had previously been taken, both by myself and at the inquest. After cross-examining these boys, it was quite evident that the boys assigned by Timmons to Assistant Leader Tippin's crew were both brighter and more physically fit than the average of the boys which he took himself.

Since this was so outstandingly obvious, I called Timmons in and asked him if he had deliberately given Tippin the best men or whether it was an accident. Timmons said that it was entirely accidental since he had sorted out every other man for Tippin's crew as they got off the truck.

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Timmons stated that he knew men were already working on the fire when he arrived because he could see horses there and could also see that a part of the line had been extinguished.

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Statement of Richard Powers

Paradise, Nevada.
July 30, 1939

Left truck with crew of 11 men in charge of Leader Tippin. From place where truck stopped went across Rock Creek and into next draw and straight up draw toward fire. Got within about 200 yards of fire. High wind blowing downhill. Talking and did not notice immediately that fire had changed direction and was coming toward them. Started to walk back to get better view and pick place to start work. Tippin looked back and saw fire was coming fast and told boys to run. Four boys had already started to run, but slowed down on Tippin's order to save their breath. When finally gave order to run the four boys were in lead. These boys were: Wolansky, Abaussleman, Romanouski, Solar. Started to run with James, Tippin a little ahead and Kennedy just behind. Vitale and Barker a little ahead of Tippin. Other four boys ahead of them. Did not know position of Stromick and Varga. Kennedy called for help. Tippin and James went back. Went down to Barker. Had to help to feet. Kept Barker and Vitale in front. Vitale kept going pretty good but had to help Barker. Barker got up but couldn't go very far. Barker was on knees last time seen. Went through pass about same time as Vitale, but Vitale went straight down to creek and I angle toward trucks. Lost Vitale. Got to creek and walked down creek to truck. Went to Gabica's ranch. Saw Tippin and James carrying Kennedy, before getting out of sight of them.

(Signed) Richard Powers

Additional Statement of Richard Powers.

When the retreat started Powers was with Barker and Vitale. Vitale kept going on his own pretty well but Barker seemed to have trouble and kept falling down. Powers kept Barker ahead of him and pushed him along. Finally they both fell together and rolled. Powers got up and told Barker to follow him, but Barker did not keep up. He thought Barker was more scared than exhausted. (Testimony of other boys indicate that Barker may have been injured. W.B.R.) When Powers was some distance ahead Barker called for help, but the fire was so close he did not dare go back. Barker was on his knees in the bottom of the gulch.

Powers went through the saddle about 100 feet below Vitale. He called to Vitale to follow him, but Vitale either ignored him or did not hear. Powers knew he would make Rock Creek and thought him safe. Vitale went straight down to the creek while Powers angled along the side of the hill toward the truck.

Statement of Alexander Varga, Enrollee,
Paradise Camp F-5, Company No. 1212.

Paradise Valley, Nev.
July 31, 1939

Alexander Varga. I am 18 years old, enlisted Apr. 4, 1939. On Friday, July 28, at 1:15 I went with Mr. Timmons' crew to the fire in Rock Cr. We arrived at the fire at 2:30 or 3:00 p.m. We left the truck at the end of the road in Rock Cr. Mr. Timmons parked the truck off the road in a good place and facing the mountain. Mr. Timmons divided the crew at the truck. He sent Mr. Tippin, CCC Assistant Leader, with 11 men to the right and he took 10 men and went up the canyon. Mr. Tippin's crew was to work up the right side of the fire and Mr. Timmons' crew the left side.

We walked up the creek and on the trail through the pass to the right and southeast toward the fire. We rested about 5 times while we walked up toward the fire. We approached within 100 to 200 yards of the fire, and waited for 2 boys who were behind to come up. While we waited Mr. Tippin told us that we were getting to the danger line and we must not let the fire come up on us. We were walking over the ridge and down the other side away from the direct line of the fire. I started to run down the hill and John Stromick followed me. We ran down past the truck about 50 to 100' and crossed one ridge and climbed up on the next one. We then turned a little to the left and took an easier grade to the rocks. We then felt safe and took a rest. We were just above the Gabica ranch and on the west side of the rocky mountain on the north side of Rock Cr.

We waited there until the fire was nearly out at the base of this hill. This was about 6:00 p.m. or near sunset. We saw Mr.

Worthington's crew working on this fire line. We came down and went to the farm house. This was about 7 p.m.

The only members of Mr. Tippin's crew that we saw after starting to run were 3 or 4 boys who came off the hill S. of Rock Cr. and travelled N.E. toward the truck parked in Rock Cr.

I did not know a fire could be so bad and ran because I was scared. If Tippin, Barker, Kennedy, and James had made good time they could have reached safety.

(Signed) Alexander Varga.

Statements Concerning Frank J. Vitale

Truck Driver Allen with whom I rode from Winnemucca to Orovada on Sunday, July 30, stated that he thought Vitale was under age and doubted that he was more than 16 years old.

Enrollee Powers, who is only 17 himself, said that Vitale was immature and kiddish acting. He said that he was not old enough to have to shave.

Educational Adviser Mitchell told me on Sunday, July 30, that Vitale was almost helpless without glasses.

It was established by inquiry that Vitale's glasses were broken and that he did not have them at the time that he was sent to the fire. It is possible that poor vision caused by lack of glasses, together with the fact that visibility must have been extremely low due to smoke, added to the boy's confusion during his retreat.

It seems more probable, however, that he thought he would be safer in climbing to the rock ledges on the north side of the creek than by trying to go down the creek to the Gabica ranch.

Statement of Dr. Grover, Camp Doctor,
Paradise Camp F-5, Company No. 1212.

At the inquest which was held at Orovada on July 31, 1939, I inquired of Dr. Grover relative to Kennedy's alleged accident at the time of retreat. Dr. Grover informed me that Kennedy had suffered a compound fracture of the left ankle so that the foot was nearly turned back up.

Statement of Paul L. Travis, District Ranger, Santa Rosa Division, Toiyabe National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939.

Mr. Wilbur Timmons has had the following fire training: Three years at fire training school at Paradise Valley, Nev. He has worked on 10 fires. He worked as a laborer on 1 fire, as foreman under me on 7 fires, and in charge of the job on 2 fires. This experience was from 1934 to 1939.

His handling of fire crews has been very good.

(Signed) Paul L. Travis.

(Timmons began work in the CCC's in May, 1935 at the Lamoille Camp. He was transferred to the Paradise Camp in November 1935, and has been continuously employed there since that time. W.B.R.)

Statement of Paul L. Travis, District Ranger, Santa Rosa Division, Toiyabe National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939

Mr. Earnest Tippin was enrolled in Co. 1212, Camp F-5, on July 17, 1938. He re-enlisted in this Co. 1/1/39 and 7/1/39. He held the rating of Assistant Leader and was classified as a Project Assistant.

He attended 1 fire training school at Paradise Valley in 1939 and worked under Mr. Timmons on the Cottonwood Cr. fire this year.

We are not sure as to whether he fought fire in 1938. He and Mr. Timmons know the Rock Cr. range well as Mr. Timmons had fought fire there with me, and Mr. Tippin had fished Rock Cr.

He is rated by Superintendent Hardy and his foreman as among the best 1/2 dozen men in Camp F-5. He showed marked ability as an enrollee leader and it was planned to give him a leader's rating with the arrival of the replacements. This proposal was recommended by Camp Blacksmith Murphy. (Concurred in by Camp Sup't. and Commander. W.B.R.)

Mr. Tippin had complete charge of the blacksmith shop and directed the work of five enrollees for part of each month as the blacksmith was not a full time employee. He operated the picture machine for the Army and one or two nights per week he was entrusted to take the picture machine to the spike camp and drive the truck.

Physically he was one of the best men in camp.

(Signed) Paul L. Travis.

Statement of Paul L. Travis, District Ranger, Santa Rosa Division, Toiyabe National Forest, Nevada.

Paradise Valley, Nev.
July 31, 1939

The boys who went to the fire all had fire training or previous experience. All enrollees this spring were given fire training.

Of the boys lost, Barker, James, and Vitale, had 3 mo. service. Kennedy had 6 mo. and Project Assistant Tippin had 1 year. All had attended fire training school and some had fire experience.

(Signed) Paul L. Travis.

Investigation of Training.

In an interview with Mr. Timmons he stated to me that he had been on leave at the time fire training was given and did not have positive knowledge as to what boys might have been in attendance at the training camp, but that he had been told that all of the boys that were in camp at that time had received fire training. He had no reason to doubt that all of the boys which he took from camp had received the required training. This statement is borne out by the fact that he refused to take any of the new group of enrollees received at the camp on July 25, particularly on account of the fact that he knew personally that these boys had not been trained. It was my understanding that Lt. Ford, who was Acting Camp Commander on July 28, tried to get Timmons to take some of the new replacements instead of men from the Army overhead in the kitchen.

In order to assure myself that all boys who went on fire duty had been properly trained, I made some inquiries from persons who should have been in a position to know.

Ranger Travis stated that he understood the entire camp was turned out for fire training. He stated that the leaders went through the camp to see that all men were turned out. He did not know whether an actual check was made by roll call. Other members of the camp overhead who were contacted on this subject made essentially the same statement.

On interviewing Foreman Jack Abegglan, who was Acting Camp Superintendent at the time the training was given, he stated that he had consulted previously with the Camp Commander and that the Camp Comman-

der agreed to turn out the entire camp for training. I asked him if he made a roll call to assure himself that all men were present, or to be able to pick up later any enrollees who might be absent and arrange for their training at another time. He stated that no such roll call was taken. Later in the investigation Abegglan admitted that he sent five of his trucks in charge of a leader and four other men in addition to the truck drivers, making 10 men in all, to Winnemucca to unload a car of lumber. He stated that this action was taken because the day of fire training seemed to be a good time to get the lumber unloaded since all boys would be in camp and the trucks would not be needed for transportation to the job. I asked him if arrangements were made to give these boys the required training at a later date, and he said that no such arrangements were made.

On being questioned, Ranger Travis stated that 7 untrained men from new recruits which came in on July 25 were sent to the fire with either the second or third call men. He stated that the reason for doing this was that urgent calls were coming from ranchers who feared that their property was in danger and wished to muster all available help. The 7 men taken were ones who stated that they had had previous fire training and experience. The balance of the new men, numbering some 55, were not taken to the fire because they did not certify to having had previous training and experience.

(In this connection it might also be noted that men employed in the protection of ranch property from the approach of sagebrush fires are in a much less dangerous position than men who might be fighting the fire at some other point, and this was probably also taken into consideration. These men whom Travis expected to use for

the protection of ranch property from destruction of fences, haystacks, etc., would necessarily at all times be close to a safe line of retreat to green irrigated fields and could not conceivably be in any particular danger. W.B.R.)

Captain Seitz, Commander of the Paradise Camp, questioned whether all of the men sent out on the first call had had fire training in spite of the positive statements of the camp overhead. In order to settle the question all survivors of Timmons' full crew, 19 in all, were rounded up and questioned. 17 boys certified that they had attended fire training at the Paradise Camp last May. One boy stated that he had not attended the May training, but that he had previously received fire training on two different occasions. One boy who was on the kitchen crew at the time of training stated that he had not attended but had watched from the kitchen.

Each of the 19 boys was asked if he could state positively whether Tippin, James, Vitale, Barker, or Kennedy attended training, and it was definitely established that all had had fire training.

Statement of Wilbur V. Timmons, Mechanic,
Paradise Camp F-5, Company 1212, on
July 31, 1939.

I asked Wilbur V. Timmons if he was familiar with chapter 12, section 1, numbered paragraph 3 of the 1938 edition of CCC Safety Regulations which reads as follows:

"No enrollee shall be sent to fires except under supervision of a foreman who has been given all practicable instructions in fire safety and is judged to be capable of remembering at all times that his first responsibility is the safety of the enrollees in his charge."

Timmons informed me that he was familiar with this paragraph in the safety regulations. I asked him if he considered splitting his crew and sending part of the boys to a position where he could not give them immediate supervision a violation of this regulation. He replied that he did not consider that he was violating the regulation, even if some of the men were too far away to be under his immediate and direct supervision. He stated that regardless of the fact that he had split his crew, he still felt responsible for their safety on the fire.

(It does not appear that this regulation necessarily requires that all men under the supervision of a foreman must be kept at all times within reach of his voice. If such was intended by the regulation, some qualifying words such as "direct" or "immediate" would have been inserted. Additional evidence of intent is the fact that fire fighting would be impractical under such a rule. W.B.R.)

Discrepancies as to Numbers of Men on First Truck.

While it has no particular bearing on the events which lead up to the death of the 5 enrollees, there was an unusual circumstance connected with the checking of the men on the first truck, resulting in conflicting testimony which probably should be explained.

When Timmons rounded up the men for the first crew their names were recorded by the camp clerk, and after the men were seated in the truck Timmons himself checked the number by having the men call off in numerical order. Both the list held by the camp clerk and the check-off on the truck showed that Timmons had 22 men besides himself. This number figures in the testimony in a number of places, and it was not discovered until the last hour or so of my investigation that there were actually 24 enrollees on the truck instead of 22.

Evidently 2 boys (Blando and Wilson) got on the truck who were not on the camp clerk's list and did not answer on the check-off.

After leaving the truck at the scene of the fire, 2 of the boys in Timmons' crew (Tuccori and Nelson) gradually fell behind the rest of the boys. When they saw the rest of the crew retreating they went back to Rock Creek, crossed the creek and went up the mountain to north of Rock Creek, got up in some rock ledges and spent the entire afternoon watching the fire. Timmons checked his men, according to his statements, by the number which he supposed that he had in his crew and naturally thought that he had accounted for all the men that left on the truck.

Apparently the reason that Timmons did not discover this discrepancy when the crew was divided was because he counted out the men who went with Tippin and assumed that he had the balance of the 22 men

which he checked on the truck when he left camp.

Statements Relative to Taking Army Overhead to the Fire.

Some question was raised by the Army concerning the authority of the Forest Service to take Army overhead out as firefighters. The implication was that boys had been taken from the kitchen force to the fire without Army consent. I immediately contacted Timmons, and he told me that he had asked and received permission to take these boys from the Kitchen from Lt. Ford who was at that time Acting Camp Commander.

I also interviewed Lt. Ford who verified Timmons' statement, and said that he had been consulted and had given his permission for a part of the kitchen help to go to the fire.

Subsequent Action on Fire.

According to testimony the 7 local men got back to the highway about 3:40 or 3:45 in the afternoon and at 3:50 began putting in calls for additional help. The Paradise Camp was the first call and they responded with 40 men that reached the scene of the fire about 6:00 p.m. The Division of Grazing camps at Quinn River and McDermitt were also called and reached the fire about 1/2 hour behind the boys from the Paradise Camp. The exact number of men sent from these two camps is not definitely known. About 5:00 or 5:30 p.m. an Army chaplain took it upon himself independently to call the Golgonda Camp of the Division of Grazing, and this camp also responded by sending men to the fire. When the men from these three camps came in Ranger Travis had not yet arrived, Timmons was on the mountain with his men, and unfortunately nobody was present to take general charge and organize their efforts. From statements made to me, however, it appears that these various camps chose their own sections of the line and went to work, the Quinn River boys on the west side, the Paradise boys on the north side around the Gabica ranch, and the Golgonda Camp on the south side. Most of the boys from the McDermitt Camp and part of the boys from the Paradise Camp immediately started looking for the bodies.

When Ranger Travis arrived about 8:00 p.m. he put in another call for men from the Paradise Camp and 52 men were sent from the Martin Creek spike camp. These boys arrived at Orovada about 2:00 a.m. on July 29.

I did not go to any particular pains to check the action on the fire after the arrival of the second call men since it has no bearing

on the case in hand, and it appeared that by the time they reached there the fire was quieting down and no difficulty was experienced in extinguishing it.

Action of the Division of Grazing.

The Forest Service and the Division of Grazing have a very good cooperative fire agreement, outlining in considerable detail the functions and responsibilities of these agencies in case of fire when one agency calls upon the other for assistance. In this instance the Forest Service called for help from Division of Grazing camps, and I wish to record here that the response was prompt and that the men in charge of the DG crews carried out their part of the cooperative agreement to the letter. They are, of course, in no way responsible for the fire or for any action taken.

Editorial in Humboldt Star.

The Humboldt Star, published in Winnemucca, Nevada, carried the following editorial in their issue of Monday, July 31, 1939:

"Why These Deaths?

"WHY--is the uppermost question in the minds of more than 500 Civilian Conservation corps enrollees of Camp Paradise, Camp Golconda, Camp Quinn River and Camp McDermitt, scores of officers of the United States army, division of grazing and forestry service together with thousands upon thousands of interested persons throughout Nevada and the entire nation in groping for a feasible solution or definite answer in attempting to uncover WHY five CCC youths lost their lives in a brush fire in northern Humboldt county Friday night.

"With damage in the fire, which swept 8,000 acres of land, utterly not worth mention, compared to the lives of the five youths, who had everything to live for, it is more than a tragic pitiful story but should serve as a grim reminder and impetus in the future for all possible steps, whatever they may be, to halt further catastrophes in cases where circumstances are more or less similar to the Humboldt county disaster. In this particular fire, death to the five boys was accidental, perhaps, and then again was it? The Star does not have and will not attempt to lay blame for this and all we can hope to do is to give the truest and most comprehensive story made available to us.

"Already countless charges are being hurled at officers, enrollees, ranchers and others interested. Word battles will continue. Government investigations will continue. Some cause may be reached

and the blame may fall upon some one or group. We do not know.

"All we can hope to do is to have those five boys serve as martyrs to prevent further catastrophes. Government investigators will probe every corner to uncover information of why the five lost their lives. Surely this will go towards preventing future catastrophes among the nation's CCC camps.

"Many men distinguished themselves for their valor during the trying Friday night and Saturday night. Pushing aside the grim thoughts of the five men burning to death in the fire with the parting thought, perhaps your deaths will not be vain, we wish to take this opportunity to extend heartfelt thanks to countless persons rendering service during the catastrophe.

"America should be proud of its CCC, although innumerable blasts are hurled at them--some founded but the greater number groundless. Humboldt county can doff its hats and say 'We thank you from the bottom of our hearts', to the CCC boys alive and only pour out our meager condolence for the five who lost their lives.

"United States Senator Robert Reynolds of North Carolina has received favorable reception for his bill intended to make the CCC a permanent feature of American life. If this is to be done, further study of methods and action must be taken to prevent what appears to be needless deaths.

"Humboldt county is proud of the boys, who started under the handicap of countless nicknames, and the spruce-green uniforms to be issued next fall will make the average American even prouder of the CCC lads."

Mr. Headley and myself called on Mrs. Stitser, publisher of the

Humboldt Star, and thanked her for their very considerate treatment of the accident.

Administrative Action Taken.

At the time of the fire Supervisor McQueen was in San Francisco receiving medical attention and did not reach the fire until Monday, July 31. During his absence I took the following administrative action:

1. I instructed Ranger Travis and Camp Superintendent Hardy that if more fires occurred, to call for volunteers from the camp and not to make any attempt to force the boys to assume fire duty. If this made it necessary to hire more outside help to be paid from FF, well and good. The boys in this camp are from the second corps area and are mostly southern Europeans. They are naturally emotional and at that time were extremely jittery. Any attempt to force fire duty could easily have serious consequences.

2. With the approval of Captain Seitz, the Camp Commander, I instructed Superintendent Hardy to announce that there would be no work performed on Monday, July 31, and that the day should be set aside as a day of respect for the boys who lost their lives in the Rock Creek fire. Commander Seitz and Educational Adviser Mitchell agreed to make short talks to the boys after breakfast. In addition to this, memorial services were arranged at Winnemucca on the evening of July 31. About an hour before the boys were shipped, they were brought to the front of the church and an open air memorial service was conducted by the Army chaplain.

3. A druggist in Winnemucca, I believe by the name of Black, I was informed sent about 1,000 sandwiches to the CCC boys on the Rock Creek fire. Apparently he did not desire any pay for this, but I instructed Travis that he should settle with Black for the cost.

I also instructed Travis to pay Mrs. Studebaker for her time and supplies in furnishing coffee to all comers on the night of July 23, and also to settle for the time of the 7-man crew who took the initial action on the fire. I was informed later by Mr. Travis that two of these seven men refused to take payment either for their services or for the use of their horses, but that payment would be made to the other five.

Statement by Mr. Headley after Untangling the Discrepancy in Number of Men who Went to the Fire.

The camp list of men who went totals 23 including Timmons.

The camp list does not include Blando and Wilson who were in Timmons' crew.

Timmons did not count the number of men after leaving camp. He was therefore under the impression that he had a total of 23 men including himself.

When he brought 8 men besides himself down off the line that night, he therefore had no reason to think any men were missing out of his crew because he had left Kinn at the creek on the way up and presumed he had gone on back; and had sent Petrasek back to extricate the truck. He therefore knew of the whereabouts of 10 men besides himself which is the number he thought he had. This explains why he was not concerned about the absence of 2 of the men who went north of the creek to the rocks.

UNITED STATES DEPARTMENT OF AGRICULTURE

Forest Service

Toiyabe National Forest

O
Fire - Toiyabe
Antelope Cr., 7/28/39

Paradise Valley, Nev.
Aug. 5, 1939

Mr. William B. Rice,
Assistant Regional Forester,
Ogden, Utah.

Dear Mr. Rice:

Reference is made to the enclosed memo which you gave me.

Superintendent Jennay of the Golconda Camp had 75 men. No hours were given but I believe they were out about 10 hours. From two persons I heard that they did very good work on the south end of the fire. They had a dangerous location.

Superintendent Agee of the Quinn River Camp reported 100 men for 10 hours.

Superintendent Condrey of the McDermitt Camp reported 112 men on the first call, about 6 hours, and 150 men from 7 a.m. to 4 p.m. Saturday. This last crew was not fighting fire. Quinn River also had men over on Saturday for the search.

Very sincerely yours,

(Signed) Paul L. Travis,
Forest Ranger.

A P P E N D I X

Section 3

Stenographic testimony of all survivors of first truck load of men who went to the Rock Creek fire except Richard Powers, also of Foreman Abegglan who was not on first truck.

Powers' testimony was not taken here because it appears in the records of the coroner's inquest and other statements appear in Section 2 of the Appendix.

Abegglan's testimony is added here to make the record of training complete.

Testimony of Foremen.

Testimony of Jack Abegglan
(CCC Foreman)

Q. What is your Name?

A. Jack Abegglan.

Q. What is your position?

A. Foreman, Camp F-5, Company 1212.

Q. Were you acting as camp superintendent at the time the training was given the latter part of May?

A. Yes, sir.

Q. At this training, which I understand lasted a day, tell us about what you did to get all the boys in attendance.

A. As far as I remember, I notified the Captain that we were to have this fire training on this certain day. When the day arrived we had the fire training; but as far as my being able to say that they were on hand, I couldn't since I had no way of checking them.

Q. Did you ask the camp commander particularly to turn out the kitchen crew.

A. No, I don't believe I did.

Q. Do you recall if he agreed to turn out the entire camp?

A. I couldn't say. We talked about having this fire meeting and that the enrollees should all take part in it.

Q. Did you keep a roll call record of the boys that were there?

A. We didn't; I don't know whether the Army did or not. I know that there were some of them that weren't there that day because we had received a car load of lumber that had to be moved; and as long as we didn't have to take any men out in the field and use the trucks, I sent the trucks down to haul that car load of lumber back. I think there were five trucks that went down. As far as the cooks, I can't say either they were or were not there.

Q. Did you send helpers with the drivers?

A. I sent a leader with one driver and then a man with each truck--ten men in all.

Q. And these ten men did not have fire training?

A. Not that day; but at practically all of our safety meetings, they have been lectured to about fires. They have had training in

that way but they weren't here that day.

Q. You didn't make any effort to make up this training of these ten boys by special class?

A. No, we didn't.

Q. Were you and your crew the first ones to start searching for the boys?

A. Yes.

Q. In your opinion, could the search have been started sooner, or was the fire and ashes too hot?

A. I couldn't say as to that. After we arrived it was safe to take a bunch of men in, but before that I couldn't say. The fire was travelling so fast.

Q. Was the ground still hot when you went in?

A. The stumps of sagebrush were still burning, but it wasn't hot to the feet.

Q. What in general is your idea of Tippin as a leader?

A. He seemed to be a very competent boy, and I wouldn't have hesitated to take him with me.

Q. You think he was competent with a crew of boys?

A. Yes. I wouldn't want to send him out without a foreman, but he was a boy who would do as he was told and try to carry out your orders.

Q. Would you have judged him to be cool headed?

A. Yes, very cool.

Q. Do you think he had a pretty lively sense of responsibility?

A. Yes. I can't help but think that is just what got him. I think he could have made his get-away if it hadn't been for the duty he felt he owed the rest of the boys put in his charge. He was very able bodied.

Q. What is your idea of Timmons as a fire foreman?

A. I have been out on several fires with him, and I have yet to see him not take the worst of it. I can say he is very competent in fire fighting.

Q. Would you have felt justified if you had been in Timmons' place in putting part of the boys in charge of Tippin?

A. That would have depended on the circumstances.

Q. If you thought there was no particular danger, would you have thought Tippin could have handled the boys?

A. Yes, I would have. That is probably what I would have done.

Testimony of Wilbur Timmons
(Camp Mechanic)

Q. What is your name?

A. Wilbur Timmons.

Q. Three of the boys testify this afternoon--Kinn, Tucceri, and Nelson, that they got away from your crew early in the afternoon about the time the fire broke and spent the rest of the day in the rocks on the north side of the creek and that they didn't see you or any of the rest of the crew again until you came down late at night. Can you tell us your part of the story?

A. I started with ten men and myself. One was a water boy whom I left at the creek to refill the water bags and who was to follow us up. I don't know his name. The other one I sent back to stay with the truck or move it if in danger. I finished up about 7 o'clock with 8 men and myself.

Q. Did you see the water boy again?

A. He beat it.

Q. Whom did you send back to the truck?

A. Petrasek.

Q. What did you assume about the water boy?

A. That he had beat it with Petrasek.

Q. The water boy said that he turned up with Nelson and Tucceri and that they all went up in the rocks and spent the afternoon.

A. They couldn't have been on my crew to start with. I only started with ten and had eight at 10 o'clock.

Q. You are positive you went out with eight men before you sent the four back?

A. Yes.

Q. You sent these four back about 7 o'clock just shortly before dark.

A. Yes.

Q. When you split the crews at the truck, did you use any particular method in selecting Tippin's men?

A. No, sir.

Q. You didn't deliberately make an effort to give Tippin the best men?

A. No, sir. I sent Tippin to one side of the truck and began to count off at random.

Q. Did you assume that all of the boys that you took had had fire training?

A. Yes, sir. Because the Lieutenant suggested I take rookies and I refused that.

Q. You refused to take any of the new recruits because you knew that they did not have fire training?

A. Yes, sir.

Q. Did you have permission of the acting camp commander to take men from the kitchen?

A. Yes.

Q. How were these men picked?

A. The Lieutenant designated the men through his first sergeant or mess steward.

Testimony of Timmons' Crew.

Testimony of Baptiste Annette (Enrollee)

Q. What is your name?

A. Baptiste Annette.

Q. What is your age?

A. 22.

Q. How long have you been in the CCC's?

A. I came in May.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service blacksmith.

Q. Did you receive fire training?

A. Yes, sir, that was out in the brush behind the church.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. I can't say positively that they were there. The whole camp was there.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Mr. Timmons' crew.

Q. After you left the truck, will you tell us what happened as you remember it?

A. When we got off the truck Timmons told Tippin to take his crew up one side of the mountain. I grabbed the two water bags and started out with Mr. Timmons on the other side. We advanced up to a place--pretty rocky and tough going. We hit the creek again and advanced up to the point where we thought the fire was. There wasn't much of a fire there but all of a sudden there was a down gust of wind. The wind reversed itself there. It was coming at us there and Mr. Timmons told us to get to safety. We ran up and kept going and Mr. Timmons sent one of the boys down for the truck. The wind changed and the fire was coming toward us.

Q. What did you do then?

A. We saw the fire coming and we all started going. The only thing

you think about is your safety. Timmons made us go down the hill and up around to a rocky place. We kept going up. That was behind the fire where we would be out of danger. Later Mr. Timmons sent four other fellows down.

Q. Did you feel at any time that you were in much danger?

A. No, just at that one point where we saw the smoke and flames. That was when Mr. Timmons told us to get down. Mr. Timmons was very cool headed. We all were. None of us fell or hurt ourselves.

Q. Everybody followed Timmons' order and nobody broke away.

A. Nobody broke away. They were all in reach of Mr. Timmons. Everybody obeyed Mr. Timmons.

Q. How do the boys feel toward Timmons?

A. He's one of the best foremen here. Everybody likes him.

Q. Do you think of anything else that I haven't asked you about?

A. No, I don't know what I could say except that we had the fire out on the way up to the top. We were working down. We had all that out about 11 o'clock.

Testimony of Salvatore Blando (Enrollee)

Q. What is your name?

A. Salvatore Blando.

Q. What is your age?

A. 17.

Q. How long have you been in the CCC's?

A. Going on 4 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service, in carpenter crew.

Q. Did you receive fire training?

A. Yes, sir.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. Yes, they were there.

Q. You saw them at the training camp?

A. I remember seeing Vitale there.

Q. The others you are not sure about?

A. I'm not sure about the others, but they were all called out.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons' crew.

Q. How many were in that crew?

A. 11.

Q. Including Timmons?

A. Yes, the whole bunch.

Q. Are you positive of that number?

A. Yes. That was the crew that went with Timmons.

Q. Can you tell us in your own words just what happened after you left the truck and started to the fire?

A. The truck was parked about the end of the trail and we started up over the mountain on the left side of the creek. We started to climb over the mountains and we climbed quite a few hills. There was a high ridge and the fire was just about coming down at an angle going toward the road. Then the wind shifted and we ran down and the fire was just about on top of us. Mr. Timmons told us to walk diagonally around the mountains and the fire seemed to shift once more and we ran down again around the mountain and came to a ridge with rocks. The wind was an advantage to us then and we started to work on the fire. We worked all day after that. From there we could see everything because we were on the farther ledge.

Q. Did you feel that you were in danger at any time?

A. No. Timmons told us to keep together at all times. The wind was blowing away from us.

Q. Is there anything that I haven't asked you that you would like to say?

A. I don't think so.

Testimony of Edward Carroll (Enrollee)

Q. What is your name?

A. Edward Carroll.

Q. What is your age?

A. 17.

Q. How long have you been in the CCC's?

A. 7 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. For the Army mostly. I am on K.P. now.

Q. Did you receive fire training?

A. No, sir.

Q. How did they happen to miss you?

A. I was working on K.P.

Q. The whole camp was out wasn't it?

A. I guess so. I watched from the kitchen.

Q. They didn't round you up and tell you to go out and take the training?

A. No, sir.

Q. Did you work on the Rock Creek fire?

A. Yes, sir.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. After you left the truck and started to the fire, what happened?

A. After our truck parked, I went with Mr. Timmons. He divided our group in two parts. Tippin went the round about way and we went straight up over the hill and down to the creek. We went along the creek about a quarter of a mile and went up the next hill toward the fire. We got up 200 feet from the top and the fire was just coming over the top and was practically standing still. Mr. Timmons told us to try to get around the fire. Mr. Timmons said that if the fire comes at us to all stick together and get to the creek as fast as we could. Then the fire started coming

towards us and we started running and looking back up, we saw the fire had changed to a different direction. Mr. Timmons said that we should go down to the creek and go around about way and get behind the fire. We started walking toward the fire and it started coming toward us and finally we got up on a rocky ledge and we just got behind the fire. We stood there and the wind was still blowing hard and Mr. Timmons said it was impossible to try to fight the fire. After the fire started to burn low we scattered sand on it with our shovels. As soon as we got one put out another would break out.

Q. Do you know anything about three boys that broke away from the crew and went up on the other side of the creek in the rocks?

A. No, only when I got down to the truck I heard about it.

Q. Did you miss three boys out of your crew?

A. No, sir.

Q. Did the rest of the boys in the kitchen take fire training that day or did they stay in the kitchen?

A. I don't know.

Q. How many more boys were in the kitchen with you that day they gave the training?

A. Five boys on my shift stayed in the kitchen.

Q. Can you remember who these boys were in the kitchen with you that day?

A. I couldn't recall. I think there were four boys besides myself that stayed in the kitchen.

Q. Can you think of anything important that I haven't asked you?

A. I guess not.

Testimony of John Fasano (Enrollee)

Q. What is your name?

A. John Fasano.

Q. What is your age?

A. 19.

Q. How long have you been in the CCC's?

A. 7 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service crew.

Q. Did you receive fire training?

A. Yes, sir.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. They all were there.

Q. You can remember seeing all of them there? If someone said one of them wasn't there you could dispute it?

A. Yes, sir.

Q. Did you work on the Rock Creek fire?

A. Yes, sir.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. What do you boys in general think of Timmons?

A. He's all right.

Q. They like him?

A. Yes.

Q. The boys all had confidence in him?

A. Yes, sir. If it wasn't for him none of us would have gotten out.

Q. How many were in Timmons' crew? Do you know the exact number?

A. 9 or 10 besides Timmons.

Q. After you reached the truck, will you tell us where you went and what you did?

A. We climbed over a mountain and the fire started to come down on us. Timmons ran across the fire toward the back.

Q. Did he take you first up into some rocks where you would be safe?

A. Yes, sir.

Q. After that, what?

A. He asked for volunteers to go on top and put just a little flame out. Two of them went. Then he asked for another volunteer to stay where we were all at. Another kid stayed there. Then he asked for four more to go along the side and put the flame out. Four of us went.

Q. What did you do the rest of the afternoon--fight the fire?

A. Yes, sir.

Q. Did you think when the flames were coming toward you that you would get out all right?

A. We thought we would get out all right.

Q. Did you have to run fast to get to the rocks?

A. No, we were right in them. He brought us there and said if the flames came to run in the rocks.

Q. Did you see three other boys breaking away from the crew and going off by themselves?

A. No, sir. The last we saw they were carrying water and stayed way in the back.

Q. Is there anything that happened that you consider important from the standpoint of the way the fire was handled?

A. No.

Q. Why do you say if it hadn't been for Timmons you wouldn't be here?

A. All of us were going to break away and he said to follow him and he showed us how to get out.

Testimony of Benjamin Grimshaw (Enrollee)

Q. What is your name?

A. Benjamin Grimshaw.

Q. What is your age?

A. 18.

Q. How long have you been in the CCC's?

A. October 1938.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service mechanic shop.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. I saw Tippin and Kennedy there for sure.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. Do you know Nelson and Tucceri?

A. Yes.

Q. Were they on the truck with you?

A. Yes.

Q. Did you miss them from the crew when you got up on the fire line?

A. Tucceri was right up with us.

Q. Did he go back or did you see him later in the afternoon? Were either one of the boys fighting fire?

A. Tucceri was with us about two hours. Then I didn't see him again.

Q. Tell us what happened after you left the truck.

A. I went up with Mr. Timmons' crew up to the top where the fire started and started to put it out. I worked until 11:30 when we came down.

Q. Is there anything else you think should be put in the record?

A. I don't think so.

Testimony of Paul Kinn (Enrollee)

Q. What is your name?

A. Paul Kinn.

Q. What is your age?

A. 17.

Q. How long have you been in the CCC's?

A. October 1938.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forestry orderly.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. I remember Tippin for sure. I think they were all there, but I wouldn't say for sure.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In those crew, Timmons' or Tippin's?

A. Timmons'.

Q. Tell us what you did and what happened after you left the truck.

A. There was three of us carrying water and we were the last three. Timmons and the boys went ahead and by the time they were up on the mountain we were back a little ways from them.

Q. Who were these other two?

A. Nelson and Tucceri. We started up the hill.

Q. Which side of the creek?

A. On the right hand side. All of a sudden we saw a big sheet of flame coming so we ran down through the creek and up the other side and climbed right to the top of the mountain.

Q. Up in the rock ledges?

A. Yes.

Q. Take the water bags with you?

A. Yes, carried them all the way. We stayed up there until the smoke started to thin out below us.

Q. How long?

A. It must have been three hours. We were coming down and we saw the truck and a fire by it. Nelson ran way ahead of us and put it out. We met Abegglan and his crew coming in.

Q. About what time?

A. It was just a little bit before dark--twilight.

Q. What did the rest of the boys do for water that were up fighting the fire?

A. There were about 7 of us that had water. Each had a sack.

Q. You three had some shovels with you?

A. No, I had a bag and a canteen.

Q. Did you do any fire fighting at all or did you stay in the rocks?

A. While we were up there the smoke came up and we put some of the little ones out.

Q. You didn't see Timmons again all afternoon?

A. Not until late that night.

Q. Did you go on to the ranch?

A. I went with Powers and Abegglan to show them where we saw the fellows last. It was 8:30 when I got to Orovada.

Q. Is there anything else you think important that I haven't asked you?

A. I guess not.

Testimony of Charles Nelson (Enrollee)

Q. What is your name?

A. Charles Nelson.

Q. What is your age?

A. 17.

Q. How long have you been in the CCC's?

A. Four months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service crew.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. I can remember seeing all of them there.

Q. You knew them well?

A. Yes, sir.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. Tell in your own words what happened?

A. We got off the truck and divided into two crews. I started up with Mr. Timmons and the rest of the crew. I had a shovel and water bag. We were about a fourth of the way up and the other two boys, Tucceri and C.B.A. (Kinn) and I all stopped and drank. The other boys were 50 or 75 feet ahead of us. They reached the fire before we did and when the wind changed and the fire started coming toward us we saw Mr. Timmons' crew running and we started to run.

Q. Were you too far away to hear anything Timmons would say to his boys?

A. Yes, sir. We were running down and I told the boys to get to the creek, but they started up the mountain and I went with them.

We spent a whole day up there putting out little fires.

Q. You worked all afternoon putting out the fire?

A. Not all afternoon, but a few hours.

Q. How close were you to the rest of Timmons' crew?

A. A few miles away. We yelled to try to get in touch with them, but we couldn't.

Q. Were you on the same side of the creek as Timmons' crew?

A. We were when we started but after we ran we were on the other side of the creek from Timmons' crew.

Q. Did you see Timmons again the rest of the afternoon?

A. No, sir. We came in.

Q. Did Timmons tell you to come in?

A. No, sir.

Q. You got in quite a ways ahead of Timmons' crew?

A. Yes, sir. When the fire died down, we started coming down. We saw the fire under the truck, and I ran down and put out the fire. Then when I was trying to get the truck out of a ditch it was in, I couldn't get it out so I put the fire out and started for the ranch to get help. We came into camp about 10.

Q. How did you get into camp?

A. The Army truck took us into camp.

Q. What else happened that was important?

A. We were coming down the road and met Mr. Abegglan and his crew, and he took one of the boys with him to locate the others and the rest of us went to the ranch.

Q. When you came down from the rocks, you came down to the creek and went to the truck? Had the ground been burned over on both sides?

A. Yes, sir. We parked the truck in a gully. When I came down, the truck was down in the ditch and two big planks were on fire.

Q. When you went from where you spent the afternoon to the truck, did you have to cross the creek or were you on the same side of the creek as the truck?

A. We were on the same side, sir.

Testimony of John Petrasek (Enrollee)

Q. What is your name?

A. John Petrasek.

Q. What is your age?

A. 20.

Q. How long have you been in the CCC's?

A. 22 months at this camp.

Q. Did you receive fire training?

A. Received fire training here.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. They were on hand.

Q. Can you be positive?

A. I can't say. They were new fellows.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. How many were in Timmons' crew?

A. About 8 or 9 of us. I'm not sure.

Q. Will you tell us just what happened and what you did after the crews were split?

A. When we got to the top and were just about to stop for a rest, the wind came up and blew toward us. We went down the gully and up on the side. The wind switched and went toward Tippin's crew.

Q. The wind switched twice?

A. That's right.

Q. Was there a wind blowing up the canyon with you?

A. You hardly noticed the wind going up.

Q. When you got up there, the wind brought the fire toward you?

A. Yes. After that the wind changed again and blew directly down hill at kind of an angle. Timmons sent me down to get the truck out, but it was in the mud and I couldn't get it out.

Q. You were the boy that Timmons sent down to take the truck back to the ranch?

A. Yes.

Q. About what time was that?

A. Around 3 o'clock.

Q. You went on down to Gabica's ranch?

A. I couldn't get the truck out and it started to burn, and I ran down the road. Some fellow picked me up in a car or I couldn't have made it. He brought me to the ranch. The fire followed me all the way.

Q. Had the fire reached the truck when you got there?

A. I was about half a minute ahead of it. I tried to get it out, but the truck started to burn.

Q. Someone picked you up and took you to the ranch?

A. Yes.

Q. When did you learn or suspect that something might have happened to some of the people in Tippin's crew?

A. I heard it from some of the people at the ranch. Four fellows from Tippin's crew said there wasn't much hope for them.

Q. How long had these four fellows been at the ranch before you got there?

A. Four or five minutes anyway.

Q. Do you know when they began to search for the bodies?

A. I went with them to search. I don't know the time, but I know it was after the fire stopped.

Q. Was it after Jack Abegglan got there?

A. Yes.

Q. How long after?

A. About 5 minutes.

Q. Could you have gone any sooner?

A. It was too hot. We went just as soon as we possibly could.

Q. Did you get pretty hot?

A. No. We followed the road. The ground was still pretty warm.

Q. Can you think of anything else that you would like to say?

A. No.

Q. (Mr. Headley) The doctor told me you had told him you thought either Timmons or Tippin didn't give the order to retreat quick enough. Do you remember making any remark like that to him?

A. No.

Testimony of Edward Phelps (Enrollee)

Q. What is your name?

A. Edward Phelps.

Q. What is your age?

A. 17.

Q. How long have you been with the CCC's?

A. Since April 4, 1939.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service crew.

Q. Did you receive fire training?

A. Yes, sir.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin, or Vitale?

A. Tippin I know did. I am not positive of the others. I saw Tippin.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. How many were in Timmons' crew?

A. I am not sure--about 10 or 11.

Q. Can you tell us in your own words just what you did after you left the truck?

A. We picked up our shovels and water bags and started northeast across Rock Creek. The fire was about three-fourths of the way to the top and we got up to 500 feet from the fire. Timmons stood there a minute and figured the way the fire was going. He took his crew down maybe 200 feet and along the fire. He sent Petrasek down with the keys to move the truck. We got up to where the fire was and then Timmons started us down again to check the fire. About every 500 feet he dropped a man off and he sent two men to the top to check it along the top. We knew the other crew would have to go back, and we went on down until we came to a large ledge. Then Timmons sent four down to the creek to check the fire there and we met Jack Abegglan a quarter of a mile down the creek.

Q. Did you feel that you were in danger at any time?

A. Once, when we could hear the fire roaring and we saw red color in the sky. But when it came over the ridge Timmons took us down. That was the only time I figured I was in danger except as I was coming down the creek and the willows were burning and I was nervous. We noticed all the way along the creek that rocks would drop down, and we watched for those and the sparks that might fall in our hair.

Q. Did you or anybody else that you know of feel uneasy about Tippin's crew?

A. No, I wondered though because the fire was travelling at such an awful speed. I didn't have the slightest idea they might burn to death, but thought that they must feel the heat. It was too smoky to see much.

Q. Could you see that the fire had burned clear to the highway?

A. We couldn't be sure until we met Jack Abegglan and he said the truck was burned. Three boys besides myself got into the ranch before Timmons.

Q. Is there anything else you think should be in the record?

A. I guess not.

Testimony of Stanley Sadowski (Enrollee)

Q. What is your name?

A. Stanley Sadowski.

Q. What is your age?

A. 23.

Q. How long have you been in the CCC's?

A. Four years, first in California 4 months, then in Montana 6 months, Washington state 2 years and a half, then New York state.

Q. How long in Nevada?

A. 7 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service, in garage--mechanic's helper.

Q. Did you receive fire training?

A. No.

Q. Weren't you here in May?

A. Yes.

Q. How did it happen you didn't get fire training?

A. I was working in the shop.

Q. You weren't here when they started the fire behind the church?

A. No, sir.

Q. You said you had worked in California, Montana, Washington, and New York--did you get fire training in any of those other camps?

A. Yes--two times.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. What happened after you left the truck?

A. I was the first one and I was ahead of Timmons.

Q. How far ahead of Timmons were you?

A. About 100 feet ahead of him. I was close to the fire and saw the wind shift the fire and a heavy smoke coming toward me. So I started running down and met Timmons and told him there was a big blaze. Then I started going up the hill and went way up on top so the blaze didn't catch us.

Q. Were you with Timmons the rest of the afternoon?

A. Yes.

Q. You stayed until Timmons brought his crew down after dark?

A. Yes, sir.

Q. Is there anything else you think should be in the record?

A. No.

Testimony of Frank Tuccori (Enrollee)

Q. What is your name?

A. Frank Tuccori.

Q. What is your age?

A. 22.

Q. How long have you been in the CCC's?

A. 8 months in this camp. In New York camp 6 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service.

Q. Did you receive fire training?

A. Yes, sir.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin, or Vitale?

A. I saw Tippin there. I think the others were there.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. Tell us what happened after you left the truck.

A. We were walking towards the fire. When we got to the top, the wind changed and the fire came towards us. Me and a couple other guys ran down the hill and up into the rocks on top.

Q. Were the rest of the crew with you?

A. No, me and two other guys.

Q. How far were you from the rest of the crew?

A. Pretty far away.

Q. Could you holler to them?

A. You could holler to them but they couldn't have heard you.

Q. Later you went around back of the fire and helped put it out?

A. No, sir.

Q. Where did you go then?

A. We stayed up and when the fire was out we went to the truck.

Q. Didn't you work on the fire at all?

A. No, sir.

Q. What time did you come down?

A. The sun had gone down--5:30 or 6:00 o'clock.

Q. Didn't you see Timmons after that?

A. No, sir.

Q. Just stayed in those rocks all afternoon with two other fellows?

A. Yes, sir.

Q. Anything that happened that should be put in this record?

A. I don't think so.

Q. Who were those two boys with you?

A. Nelson and Kinn--the Forest Service orderly.

Testimony of Joseph Wilson (Enrollee)

Q. What is your name?

A. Joseph Wilson.

Q. What is your age?

A. 18.

Q. How long have you been in the CCC's?

A. April 1939.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. They were on hand--they had to be.

Q. You could swear that you saw all of them?

A. Yes, every one of them.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Timmons'.

Q. Do you think of anything that happened that we ought to have in the record of the fire?

A. I read that story in the Humboldt Star paper in which they claim Mr. Timmons brought us into a trap. He didn't. He kept us safe all the time.

Q. You weren't concerned that you might get burned?

A. Yes, quite a few times.

Q. Got pretty hot?

A. It did.

Q. Did you have any idea that anything had happened to Tippin's crew?

A. We saw Tippin's crew at the right of us going up. After the fire started to come down and the smoke got heavy, I didn't see them.

Q. Did you think something had happened to them?

A. No, they were quite a distance from the fire. The wind came up and you couldn't do much about it.

Q. How many were in Tippin's crew?

A. I don't know for exactly. There were 23 of us on the truck. I think 9 went with Mr. Timmons and the rest went with Tippin.

Q. Can you positively say there were 23 on the truck?

A. Around that many. I can't say positively.

Testimony of the Survivors of Tippin's Crew.
(Except Richard Powers)

Statement of Richard Powers
(Not stenographic)

On being questioned, Powers stated positively that he had had fire training.

Testimony of Richard Abaussleman (Enrollee)

Q. What is your name?

A. Richard Abaussleman.

Q. How old are you?

A. 19.

Q. How long have you been in the CCC's?

A. 4 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. For the Army in the kitchen.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin, or Vitale?

A. They were there.

Q. Were you well acquainted with them?

A. Barker and Vitale were personal friends of mine. Know Barker was at the training.

Q. Barker is the only one you can swear to?

A. Yes.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Tippin's.

Q. What did the boys think of Tippin generally? Did they like him?

A. Yes, certainly.

Q. Did you have confidence in him?

A. Yes, sir.

Q. When you got up to the place where Tippin stopped and talked to the boys, where were you?

A. I was near the back of the line near James. We were coming up and he was telling us that if anything happened where to run.

Q. You were close enough to hear him talk?

A. Yes, sir.

Q. What happened after that?

A. He was giving us a talk when all of a sudden a big flame came off the mountain, and he said to take it easy and see if it was coming down after us. We started not exactly on a run, but the flames were still coming after us so he told us to go back down the canyon.

Q. Did you see Kennedy fall?

A. No.

Q. Did you look back at any time and see Tippin and James carrying Kennedy?

A. No. When we first started to run I am pretty sure I saw Tippin fall but he got up. Barker fell down. He was behind me and called to me and I leaned down and picked him up once. You see something coming after you and you think of yourself.

Q. Was Barker tired out?

A. Yes.

Q. Would you say he was soft?

A. Do you mean a weakling?

Q. Not necessarily a weakling--was he soft?

A. No, he was a pretty strong fellow.

Q. Was he pretty heavy to be a good runner?

A. One of the best runners in the kitchen.

Q. When the rest of you fellows all got out, do you have any idea why Barker didn't make it too?

A. A couple of us see him stumble. We thought maybe that the stumble might have done something to him and he couldn't carry on.

Q. Was he keeping up pretty well until he fell down?

A. Yes.

Q. In your opinion was Barker all in--winded--or too tired to run?

A. After he fell he seemed that way, but I don't know what made him fall.

Q. How tall was he?

A. About 6 feet.

Q. Heavy?

A. 168 pounds.

Q. You couldn't call him fat then?

A. No, pretty well built.

Q. You went on ahead of Barker and went around that big hill to the truck?

A. Yes, sir.

Q. Do you think of anything else that might be of importance?

A. I was too excited to think of anything.

Testimony of Chester Romanoski (Enrollee)

Q. What is your name?

A. Chester Romanoski.

Q. What is your age?

A. 20.

Q. How long have you been in the CCC's?

A. 7 months--since January.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service carpenter shop.

Q. Did you receive fire training?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. Yes. All of them were there.

Q. Did you know them well enough to recognize all five of them? You are positive all were there?

A. I knew them well enough to recognize them. I remember seeing those five.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Tippin's.

Q. Can you tell us in your own words just what happened? Where were you when you got up to the point where Tippin stopped to talk to the boys and look the fire over?

A. I was right with him. I was the water boy. He gave us a little pep talk and not to get in front of the fire. A big wind came. There was fire on the bottom of the hill and then it was on top of us. So we started running until we got to the camp and had a woman from the ranch call Mrs. Studebaker and she called the camps.

Q. Was Kennedy a water boy too?

A. Yes, he was with me.

Q. What was he carrying?

A. He was carrying a big water bag and two small ones.

Q. Kennedy was carrying one five-gallon back bag?

A. Yes, half full.

Q. And two canteens?

A. Yes.

Q. How was he carrying them?

A. He had the big one on the right side and the two small ones in his left hand.

Q. You said you started to run as soon as Tippin gave the word?

A. Yes. The fire was close.

Q. Did you look back?

A. Yes. Some of the boys were in twos and threes. Tippin and James picked up Kennedy because he slipped. Solar and Wolansky picked me up four times because I fell down.

Q. Did you see Kennedy fall?

A. I saw him slip. We were starting to run and he slipped. They pulled him up and that is the last time I saw him. The fire was right behind him.

Q. Kennedy slipped just as he was starting to run?

A. Yes.

Q. When you saw them did Tippin and James appear to be carrying Kennedy?

A. They were just helping him up.

Q. You finally came out at the truck with three other boys.

A. I missed the truck by about 100 feet and went to the ranch to call for help.

Q. What is your opinion of Kennedy physically? Was he active and husky?

A. Yes.

Q. In your opinion if he hadn't broken his ankle, would he have made it out?

A. Yes, sure. He was singing all the way out. He was happy.

Q. He wasn't at all exhausted?

A. No, he wasn't exhausted. He could have made it all the way down.

Q. Do you think that Kennedy might have been more active on his feet than you are?

A. He was huskier than I am.

Q. He could have made it by the time you did?

A. Yes.

Q. Do you know anything about Barker--was he ahead of you?

A. I didn't see him.

Q. What was your opinion of Tippin? Did you consider him a good, safe leader?

A. Yes.

Q. You had confidence in him?

A. Yes.

Q. If Kennedy hadn't broken his ankle and Tippin and James hadn't stopped to help him, do you think it possible or probable that all the boys might have gotten out?

A. I think so. If they could have gotten to the creek, they could have made it easy.

Q. Do you think Tippin was the kind of fellow that would have kept the boys together and seen that they got out?

A. Yes.

Q. Do you have any other comments to make about things that I have not asked you about?

A. The Quinn River and McDermitt camps could have gotten the fire out easily if they had tried because they could have gotten there before us.

(These camps were not called until 3:50 p.m. W.B.R.)

Testimony of Frank Solar (Enrollee)

Q. What is your name?

A. Frank Solar.

Q. What is your age?

A. 21.

Q. How long have you been in the CCC's?

A. 4 months.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service blacksmith.

Q. Did you receive fire training?

A. All I received was here when the ranger was here.

Q. One day?

A. Yes, sir.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. Tippin was there but I can't be positive about the others.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Tippin's.

Q. What happened after you left the truck and started with Tippin?

A. We were going up in a ravine to where it crossed the brook and went over a few hills. Tippin said, "Well, fellows, better watch the fire and if it comes close you better run". He no sooner turned around to warn us than we heard a big roar like a furnace. He said, "Run, fellows" and I started running.

Q. Did you look back?

A. I did look back to see in what direction the fire was coming. There were three other guys running too. They were running on top of the mountain, and I cut down to the creek. After I crossed over the mountain, I didn't see them any more.

Q. Did you hear Kennedy call for help or see Tippin go back?

A. I saw Kennedy fall. He fell as soon as Tippin hollered to run. I don't think he even had a chance to run. I was about 40 or 50 feet ahead. I didn't run until Tippin says to run. I looked back to see the direction of the fire and I saw Kennedy fall. I don't know whether Tippin went back for him.

Q. You don't think Kennedy had moved very much before he fell?

A. He had gone about 15 or 20 feet.

Q. You were all still up on top of that little ridge?

A. Yes, sir. The fire was 50 feet down when Tippin hollered.

Q. Was Kennedy carrying water bags when he started running?

A. I don't know what he was carrying. I think he was--a back canteen.

Q. You don't know how many?

A. No, I don't.

Q. How rugged a boy was Kennedy?

A. He was pretty fast on his feet.

Q. Was he a boy that you would expect to be good on his feet?

A. Sure.

Q. Is it your opinion then that Kennedy's injury was the probable cause for these other boys getting caught?

A. I guess they would have made it except for Kennedy. It looked pretty hopeless that they would ever survive. The flames seemed on top of us. They made a run for it but by the time they did get up to the other side of the mountain they were caught. There was a heavy wind blowing up there. There was no one to give them courage.

Q. You feel that if Tippin had been free to go out with the boys and shove them along that they might all have got out?

A. Yes, sir.

Q. Do you think Tippin was the kind of a man that would have done that and pushed them along? You think Tippin would have stuck with the crew?

A. Sure, sir, he was.

Q. What we would like to know is whether Tippin was the kind of a man who would be cool headed and would feel responsibility for all the men with him.

A. Oh, yes, Tippin was like that. I didn't start running until he gave the word. He saw it was hopeless to fight the fire. That is why he hollered to all the fellows.

Q. Where did you come out when you felt you were safe?

A. Out by the truck.

Q. There were three other boys close to you?

A. Yes, sir.

Q. They were Wolansky, Abaussleman, and Romanoski?

A. Yes.

Q. When you got to the truck what did you do?

A. Wolansky scratched on the seat that four were saved and we went on out. We weren't at the truck over a minute.

Q. Is there anything else you think should be in the record?

A. I guess not.

Testimony of John Stromick (Enrollee)

Q. What is your name?

A. John Stromick.

Q. What is your age?

A. 22.

Q. How long have you been in the CCC's?

A. Since April 4, 1939.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Clerk in Forest Service office.

Q. Did you receive fire training?

A. I received instruction one day.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. I believe the whole company was out there then.

Q. Did you personally see any one of those five boys?

A. I can't recall.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Mr. Tippin's.

Q. Can you tell us in your own words what happened? Did anything of significance happen before you started to retreat?

A. I recall that Mr. Tippin said we should stay together. I didn't listen to him. I retreated.

Q. Did you start to retreat before he gave the word?

A. Yes, a few second before. We were separated a few hundred yards after we left Tippin. He wanted us to stay on top of the hill, but I could see the fire approaching and I left.

Q. Did you hear him tell the boys to retreat?

A. No, I was already on my way.

Q. Do you have any idea how long it was before you left that the other boys started to run?

A. I don't believe it was over a minute--two minutes at the most.

Q. What route did you take in going out?

A. I retreated back toward the creek and then clear around the mountain.

Q. You went around on the south side?

A. Yes, that's right.

Q. Where did you come out?

A. Facing the highway.

Q. Didn't you finally come out at the truck?

A. I passed the truck when I was retreating from the fire.

Q. Who was with you?

A. Al Varga.

Q. Then there were four other boys close behind you?

A. They were about 20 yards ahead of the flame.

Q. That was the four boys who finally went to the truck?

A. That's right.

Q. How close did the fire get to you on your retreat?

A. About 100 yards.

Q. Pretty close.

A. Yes, too close for comfort.

Q. When you were up in that ledge did the fire get very close to you?

A. It didn't come to the bottom of the ledge. I would say it was about 200 yards away from us. After we left the ledge, the fire came up.

Q. Was that after the truck burned?

A. I didn't go by way of the truck.

Q. About what time did you come down out of the ledges?

A. It's hard to say. I imagine it was about 6:00 o'clock.

Q. Do you have anything on your mind you would like to say that I haven't asked you?

A. No, I can't think of anything.

Q. In your opinion did Tippin wait too long to call a retreat?

A. In my opinion he waited too long. There was a sheet of flame 15 feet high driven in front by a wind, and if you were too close you couldn't outrun it. I think he was contemplating going around but he was too late. Mr. Hardy asked me how many were on the truck and I said 27--25 on back. Timmons was driving and Tippin was with him in front. Someone else said there were less than 27 men. There were five rows of seats across the back and five men on each. Each seat was full.

Q. How many then were in your crew?

A. 12 including Tippin.

Testimony of Alexander Varga (Enrollee)

Q. What is your name?

A. Alexander Varga.

Q. What is your age?

A. 18.

Q. How long have you been in the CCC's?

A. 4 months--since April.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Forest Service crew.

Q. Did you receive fire training?

A. Yes. We had an exhibition a few months ago.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin, or Vitale?

A. I don't remember seeing them but all of the boys were there.

Q. But you can't say positively that you saw any of them?

A. I can't say positively.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Tippin's.

Q. When the boys started to retreat, where were you? Were you in below Tippin?

A. Yes. Tippin said, "Run for the valley" so I ran down. I was the first one to run.

Q. You heard him say to run?

A. Yes.

Q. Who was with you?

A. John Stromick.

Q. Did you and Stromick stick together?

A. Yes.

Q. Where did you go?

A. I went down the creek until we reached the truck, then 50 or 100 feet past the truck to some rocks. We thought that was the safest way.

Q. How long did you stay up in the ledges?

A. We stayed about two hours and a half.

Q. Was the fire pretty close behind you when you were running for the truck?

A. I would say it was about 100 to 150 yards.

Q. Could you recall how long it was from the time you passed the truck until the fire passed it?

A. I don't remember. We didn't look back.

Q. After Tippin told you to run, did you look back at all?

A. No, sir.

Q. Do you think of anything else of importance that should be in the record?

A. After we passed the truck when we were going over the hill, we looked back. I saw three or four boys coming down the hill towards the stream. Those boys were saved.

Testimony of Myron Wolansky (Enrollee)

Q. What is your name?

A. Myron Wolansky.

Q. What is your age?

A. 19.

Q. How long have you been in the CCC's?

A. 4 1/2 months in this camp; 6 months in New York.

Q. Do you work in a Forest Service crew or on camp duty for the Army?

A. Work in Forest Service crew.

Q. Did you receive fire training?

A. Well, we had one day off one time and we had a little exhibition.

Q. You had fire training the same as the other boys?

A. Yes.

Q. Do you have any knowledge as to whether fire training was received by Barker, James, Kennedy, Tippin or Vitale?

A. They were with us.

Q. You personally remember seeing them at the training camp?

A. Well, the whole camp was there. I didn't know them so well except James.

Q. Do you personally remember seeing James at the meeting?

A. James was there I am positive. I'm not so sure about the others.

Q. Did you work on the Rock Creek fire?

A. Yes.

Q. In whose crew, Timmons' or Tippin's?

A. Tippin's.

Q. Where were you when Tippin called a retreat?

A. We were all there.

Q. You heard Tippin tell the boys to run?

A. He gathered us in a circle and told us to keep cool. The fire was small and we were just on the outside when the wind changed.

Q. Then the wind changed and Tippin told you to run?

A. I don't remember hearing him say anything.

Q. You started to run then on your own without hearing him?

A. A few of us ran. I just followed.

Q. You were in below Tippin at that time?

A. Yes.

Q. How far?

A. I was about 200 yards away from him. Barker was on the ground. I don't know whether he was hurt or not.

Q. How many boys were with you when you started to run?

A. There were about 6 of us.

Q. Two of the boys got ahead of you?

A. There were about 3 or 4 ahead of me. We were running in a gully. We saw a clearing and we were running for the clearing.

Q. Where did you finally come out?

A. Below where the truck was parked.

Q. How many boys came in to the truck?

A. Four. One went to a ranch. That makes 5. Powers joined us later. Five of us were in a group there.

Q. Who were they?

A. Abaussleman, Wolansky, Powers and Solar.

Q. Romanoski went to the ranch?

A. Yes.

Q. Is there anything that you think of that I haven't asked you?

A. I don't think so.

A P P E N D I X

Section 4

Testimony taken at the coroner's inquest, held at Orovada, Nevada, on July 31, 1939.

(I was in attendance at the inquest and the County Attorney, Mr. M. H. Brown, permitted me to place in the record any questions I desired to have answered by the witnesses. For this reason some of the testimony is not duplicated in the testimony taken during my own investigation. W.B.R.)

Verdict of Coroner's Jury

After a hearing which lasted from 10:00 a.m. until 5:00 p.m. on July 31, a coroner's jury which sat at Orovada, Nevada, consisting of the following men: Bruno McErquiaga, Jr., Mateo McErquiaga, and Frank McErquiaga, rendered a verdict as follows:

"That we find that the deceaseds, George J. Kennedy, Walter James, Frank W. Barker, Ernest R. Tippin and Frank J. Vitale, came to their deaths at a place near Orovada, in the County of Humboldt, State of Nevada, and that they came to their deaths on July 28, 1939, from second and third degree burns, on their bodies, while fighting a forest fire in the vicinity of Rock Creek, and that they were members of a crew of CCC enrollees sent from Camp F-5, Paradise Valley, Humboldt county, Nevada, under the direction of Foreman Wilbur Timmons, and that Foreman Wilbur Timmons was in no way responsible for their deaths, but instead George J. Kennedy, Walter James, Frank W. Barker, Ernest R. Tippin and Frank J. Vitale burned to death on account of a sudden strong wind, which changed the course of the fire and caused them to become trapped."

(Clipped from the Humboldt Star, published at Winnemucca, Nevada, August 1, 1939.)

IN THE MATTER OF THE INQUISITION UPON THE
BODIES OF GEORGE J. KENNEDY, WALTER JAMES,
FRANK W. BARKER, ERNEST R. TIPPIN, AND
FRANK J. VITALE, DECEASED.

Coroner's Inquest held on the bodies of George J. Kennedy, Walter James, Frank W. Barker, Ernest R. Tippin, and Frank J. Vitale, Deceased, before Coroner I. W. Minor, in McDermitt Township, at Orovada, Humboldt County, Nevada, at 10:00 o'clock A.M., July 31st, 1939.

I. W. Minor, Justice of the Peace and ex-officio coroner of McDermitt Township, and the Coroner's Jury consisting of Bruno McErquiaga, Jr. Mateo Marcuerquiaga, and Frank McErquiaga, each of whom had been previously sworn to act as such jurors, Merwyn H. Brown, District Attorney of Humboldt County, Nevada, and Erling Prout, Sheriff of Humboldt County, Nevada, all being present, the following proceedings were had and testimony taken:

Frances Larragueta was duly sworn to report the proceedings and testimony.

At the request of I. W. Minor, Justice of the Peace and ex-officio Coroner of McDermitt Township, Merwyn H. Brown, District Attorney of Humboldt County, Nevada, examined the witnesses.

Mr. Brown: Mr. Studebaker, will you please take the stand?

Kirk O. Studebaker was hereupon duly sworn, and testified as follows on examination by Mr. Brown:

Q - What is your name?

A - Kirk O. Studebaker.

Q - Where is your place of residence?

A - Orovada, Humboldt County, Nevada.

Q - How long have you resided at Orovada, Humboldt County, Nevada?

A - Two years.

Q - Directing your attention to Friday, July 28th, 1939, was there anything unusual in the vicinity of Orovada, Humboldt County, Nevada?

A - Yes, about 11:15 a bolt of lightning struck and I heard the thunder very close. I looked up on the hill and I saw a red flame light. I then called Paul Travis, the forest ranger's residence, and talked with Mrs. Travis, and told her that there was a fire starting on the Rock Creek Mountain. I told her to send C.C.C. boys to fight the fire.

Q - Can you tell us now approximately where you saw this fire start, using certain fixed places?

A - It was on a ridge just North of the main ridge of Antelope Canyon, about four miles from the I.O.N. No. 8 road, approximately five miles from Orovada.

Q - Can you place that spot in relation to Rock Creek Ranch?

A - About two miles South.

Q - Now will you go ahead and state what happened in regard to fighting the fire.

A - About that time the highway maintenance men came in to lunch, and we decided to eat our lunch before we went out to fight the fire. After lunch we got into the car and went into the head of Antelope Canyon, which was as far as we could drive the car. We got out and walked up the canyon to where the fire was started, approximately two miles from the car. By the time we got there it had covered twenty-five acres. It was going in all directions--North, East, South, and West. We placed ourselves on a ridge so we could be able

to get out in a case of necessity. We understand the conditions of the country and changing winds. Our idea was to get the fire to a point and keep it from spreading in a northeasterly direction. We fought the fire probably an hour. At this time a strong wind from the East came up and spread the fire very rapidly. There were three men on horses from the Gabica ranch.

Q - Who were those men?

A - Frank Gabica, Joe Gabica, and Dan Gabica, Jr. They had been helping us fight the fire. They arrived at the same time. At the time the wind started we all ran as fast as we could to the car. The fire was never more than one hundred fifty feet behind us. When we got to the car Frank Gabica turned his horse loose and got in with us. The fire reached the highway probably five minutes after we reached the highway. Later the C.C.C. boys from Paradise Valley drove up the canyon. We saw them first on the highway, I believe about 2:00 o'clock. That's a rough guess.

Q - About what time did you come off the mountain as you testified to?

A - It must have been about 3:00 o'clock or 3:30.

Q - While you were on the Mountain were there others who came to fight the fire?

A - Yes, about 2:30 some drove up the Rock Creek Canyon and left the truck there and walked from there.

Q - Will you go ahead and describe the nature of the wind while you were there?

A - It was a gale, a very strong wind. It spread the fire just as fast as we could run. It followed us all the way down. If we had

been five minutes later, perhaps we wouldn't have been saved.

Q - Have you assisted in fighting fires before?

A - Many times.

Q - Will you say that this fire was extraordinary? I mean in regard to the wind.

A - Yes, sir.

Q - Now go on and tell what you did after you got in the car?

A - When we got into the car and reached Orovada, I again called the Paradise Valley C. C. C. Camp, and asked them to send every available man to fight the fire, because it was raging quite fiercely; then I called the Quinn River Camp and told them the same thing. Then I called the McDermitt Camp, but couldn't get them because their telephone was out of order because of the lightning. A McDermitt operator sent a man to them with the message. After that I got into the car and went back to Rock Creek. I believe I returned here about 8:00 or 9:00 o'clock.

Q - When did you first learn in regard to any of the boys being burned?

A - The first that I knew that they were burned was when the C.C.C. boys told us. We first missed them when we got to Rock Creek Ranch. One boy told us the truck had burned up.

Q - About what time was it when you first and last saw these boys?

A - About 4:15 or 4:30. (3:15 or 3:30? W.B.R.)

Q - In the afternoon?

A - Yes.

Q - Were you present when any of these boys were found?

A - No.

Q - Is there anything else in connection with the fire or of which

you have any personal knowledge you would like to testify about?

A - I believe not, unless you have any other question to lead me on.

Q - Do you know who started the searching party for these boys?

A - The first I know of anybody starting a search was when two additional trucks arrived from Paradise Valley, and one party started search immediately. Up to that time the fire was going so fast you could not have gotten in there to search. That was about 6:00 o'clock.

Q - How old are you?

A - Twenty-four.

Frank Gabica was hereupon duly sworn, and testified as follows on examination by Mr. Brown:

Mr. Brown: What is your name?

A - Frank Gabica.

Q - Where is your place of residence?

A - Orovada, Rock Creek Ranch.

Q - Humboldt County, Nevada?

A - Yes.

Q - How far is your ranch from Orovada?

A - About three-fourths of a mile.

Q - How old are you?

A - Forty-eight.

Q - How long have you resided in Rock Creek Ranch, Humboldt County, Nevada?

A - Since 1919.

Q - Now directing your attention to Friday, July 28, 1939, did any-

thing unusual occur in the vicinity of the Rock Creek Range?

A - Yes.

Q - What was that?

A - A big fire.

Q - Where were you when you first learned about the fire?

A - My little boy saw first. He started to yell.

Q - What time was that?

A - About 11:00 o'clock.

Q - In the morning?

A - Yes.

Q - What did you do then?

A - Studebaker called me then. He said, "You see fire there?" I sent the boy after the horses. Then we had a little lunch and started up the trail. I take the trail from Rock Creek to McConnel Creek.

Q - Will you go ahead and tell me the course or direction of this trail you mention?

A - This trail was about one and one-half miles above Rock Creek, turned to southeast and was about a mile and a half from where they crossed the creek to where the fire was.

Q - In other words the trail goes about one and one-half miles over Rock Creek and goes in a southeasterly direction.

A - Yes.

Q - In what direction was the fire from Rock Creek Ranch?

A - Southeast.

Q - Will you go ahead and tell where the fire was using fixed places or monuments, like peaks, mountains, etc.?

A - Between the head of Antelope Canyon and another dry canyon. I

do not know the exact name. It was between these two canyons, right in the trail.

Q - All right, now go ahead and tell what you did after you got the horses?

A - I went horseback, and then I stop and make a little water, for the boys. Then I sent the boys close to the fire, and then I go after a while, after I made a little hole for water. Then I find Studebaker, Joe Legarza and we fight the fire together going from one place to another. Then I see dust coming in the road and I tell these fellows that we would have help.

Q - Where did you see this dust?

A - Between Rock Creek Ranch and Rock Creek Canyon.

Q - Tell me who went up with you on horseback?

A - Joe Gabica and Dan Gabica, Jr.

Q - And yourself?

A - Yes.

Q - Who was with Studebaker fighting the fire?

A - His brother, Jim, Joe Legarza, and Silky.

Q - Were there any others with you?

A - No.

Q - Now go ahead and tell what happened when you saw the dust?

A - After a while I see C.C.C. boys coming up.

Q - Where did you see the C.C.C. boys coming up?

A - Between Rock Creek and farthest canyon, where I got the water.

Q - Go ahead.

A - I do not remember how many boys were coming up. It was hard to tell. I was on top of the ridge and they were coming up. Then

there was a big wind, like a blizzard. It was so smoky I could not see anything more.

Q - Now go ahead and describe the blizzard in your own words.

A - It was hard to tell. It was like a cloud of wind, very big and very strong. I never seen it stronger. When this strong wind came, we started to run.

Q - What happened in regard to the fire?

A - It was spreading in all directions. One time one way, then in another way. Then a strong wind started in the East, and the fire came about twenty-five or thirty feet from us and all we could do was run for our lives to where the car was, to Studebaker's car, which was a couple of miles.

Q - Were you horseback?

A - No, at that time I was walking; I gave my horse to Studebaker. Then he saw I was tired and gave me back the horse. When I reached the car, I got into the car and left the horse go and beat it.

Q - When you were on horseback, how close was the fire?

A - About fifty or sixty yards.

Q - Did the fire catch up with you at any time?

A - No, not before I got to the car.

Q - When you got into the car, what did you do?

A - Mr. Studebaker drove the car and came here (Orovada) and I went home.

Q - How was the fire going, in what direction?

A - Right behind, I believe, it was so smoky I could not tell.

Q - When you arrived home, had the fire reached your ranch?

A - Not yet.

Q - About what time did you get home?

A - About 3:00 or 4:00 o'clock.

Q - In the afternoon?

A - Yes.

Q - About how long did that strong, heavy wind last?

A - About 7:00 or 8:00.

Q - Did you assist in any way in searching for these boys?

A - No.

Q - You stayed at your ranch?

A - Yes, I was packing the stuff. We were ready to move out. I sent the children and women away, and I stayed there.

Q - When you saw the C.C.C. boys could you tell us if they started to leave the fire or what they were doing?

A - When this strong wind came up and the fire started to go, they started to leave the fire. I think, about one-half mile from the fire line the last time I seen them.

Q - Where were they on the mountain?

A - Between Rock Creek and Antelope in a little canyon, about three-fourths miles southeast from Rock Creek Canyon.

Q - Can you give the direction in which they were running?

A - Yes, southeast, toward the fire. And after that we could not see them with the smoke.

Q - Were they running toward the fire?

A - No.

Q - Then when you said running you meant walking?

A - Yes.

Q - Could you see approximately how many boys were going toward the fire?

A - It's hard to say, because of the smoke I could not tell.

Q - Have you any idea, about eight or twenty-five?

A - I do not think there was twenty-five. Perhaps eight or twelve.

Q - When did you see more C.C.C. boys come?

A - About 2:00 o'clock, I think.

Q - That was the first bunch?

A - Yes.

Q - When did the next bunch of boys come?

A - About 4:30 or 5:00. I couldn't tell you exactly because I was packing.

Q - Do you know how many truck loads there were?

A - I couldn't tell you, but I do know there was quite a few.

Q - Did you have any idea these boys were trapped?

A - I did not know, but I was afraid because the fire was traveling so fast. I see one and he say, "We lose the truck and we miss some boys." I did not know whether they were lost or not.

Q - Would it have been possible for the second group to go into the fire where these boys were trapped?

A - Well, some bunch, I believe, did go after them.

Q - That was after the fire died down?

A - Yes. Before I do not think they could do much because it was smoky and there was still fire.

Q - In other words, there was so much smoke, wind, and fire, that it was hard to get to these boys?

A - Yes.

Richard Powers was hereupon called to the stand, was duly sworn, and testified as follows on examination by Mr. Brown:

Q - What is your name?

A - Richard Powers.

Q - Are you an enrollee in the C.C.C.?

A - Yes, sir.

Q - Which camp?

A - Paradise Valley Camp P-5, Company 1212.

Q - How old are you?

A - Seventeen.

Q - How long have you been in the Paradise Valley C.C.C. camp?

A - Four months today, about four months.

Q - About four months?

A - Yes, sir.

Q - Now directing your attention to Friday, July 28, 1939, were you called out of the Paradise Valley C.C.C. camp to fight a fire in the vicinity of Rock Creek?

A - Yes, to fight a fire.

Q - About what time did you leave?

A - About 12:45, I imagine.

Q - How did you make the trip?

A - By truck.

Q - How many boys in the truck?

A - About twenty-three.

Q - Who was driving the truck?

A - Mr. Timmons.

Q - Give his full name?

A - I do not know it.

Q - Where was the fire, if you know?

A - It was right off this Rock Creek mountain, to the right of us.

Q - To the right of Rock Creek?

A - Yes, up and above.

Q - About what time did you get to Orovada?

A - I do not know; I did not keep track of the time.

Q - Have you any idea?

A - About 2:00 o'clock, I believe.

Q - When you got here, where did you go?

A - Into the ranch up the road and into the canyon. We parked the truck and started off in two parties.

Q - Will you describe these two parties?

A - Mr. Timmons took one party and Tippin took the other.

Q - Can you give the full name of Tippin?

A - Ernest R. Tippin.

Q - How do spell the last name?

A - T-I-P-P-I-N.

Q - In which party were you?

A - Mr. Tippin's.

Q - How many were in that party?

A - About twelve.

Q - Will you go ahead now and state what you did in this party with Mr. Tippin?

A - We went up that creek there, and we crossed the first ridge, I believe the saddle they call it, and went into the canyon, and from there walked straight up, and after that we got on a hill and stopped to wait for the boys to catch up with us. We stopped a few times.

Tippin gave us a five minute pep talk.

Q - What was the nature of that pep talk?

A - He told us to save our breath in case we had to run. I do not know everything he said, but that was the basic thing, to save our breath for the fatal point.

Q - He gave you instructions in regard to fighting the fire?

A - Yes, sir.

Q - Now go ahead.

A - The party started. It was smoky. We started to walk towards the truck and a few boys ran ahead, and it was then he told us to save our breath. I and some of the other boys walked with Tippin. And a few of the boys ahead of us. Mr. Tippin saw the flame coming toward us. He told us to run. James and Tippin seen Kennedy behind and went back for him. There was four boys ahead of us. Barker was puffed out from going. I ran down to Barker and tried to keep him going. We could not see the other boys on account of the smoke. Barker and Vitale was in front of me. Barker started to run ahead of me. As he came down he tripped me and fell on top of me, and I got up, and saw him getting up behind me so I didn't bother to help him any more, because I thought he was as well as me. Vitale crossed at an angle toward the creek, and Barker must have been fifty or one hundred feet behind me, but I couldn't go back to him.

Q - Why?

A - Because the fire was so close, and to save my life.

Q - Go on.

A - Vitale came toward me and I went toward the creek, and that's the last I saw of him. Then when I got to the truck I saw the other

four boys there. We left the truck there in case any of the other boys came, so they could get away faster. We started to walk toward the ranch, and a truck came with a fellow and a young boy and picked us up and took us to the ranch, and then we had some coffee. The fire was coming faster and the wind had already changed. At the ranch some of the ranchers who lived there were trying to save the ranch. We could do nothing because we were so tired. We helped pack a few things--clothes. Then we came here where we are now and waited here until about 5:30 o'clock, until our truck came from Paradise. At the time no one could have gotten up there.

Q - Will you tell me the condition of the wind when you were going up the hill?

A - It was blowing up towards the mountain.

Q - Was it very strong?

A - Yes, sir.

Q - Did anything happen after you get up there?

A - After a five minute pep talk it came like a hurricane. It almost blew us down the mountain.

Q - As I understand Tippin no more than gave his talk and it was time for you to leave?

A - Yes, sir.

Q - You mention the name of Kennedy, who else was in your party?

A - Tippin, James, Barker, Vitale, Solar, Romanasky, Wilasky, Apussleman, and myself.

Q - Those were the boys that were in the party with Mr. Tippin?

A - Yes, sir.

Q - You stated there were four boys in the lead?

A - Yes, sir.

Q - Who were they?

A - Romanasky, Wilasky, Solar, and Apussleman.

Q - As I understand it these four in the lead left immediately when this wind came up.

A - They slowed up for a minute, when Tippin said to run they had a lead.

Q - Do you know why some boys went back to Kennedy?

A - He yelled for help. I went for Barker.

Q - Do you know anything that was wrong with him?

A - No, I thought he was tired like the rest of us.

Q - When did you last see Barker?

A - We went over a hill and then there was another valley. Then we had to go over another, and I was coming over it, practically on top of it. This was when I last saw him.

Q - Where is that hill you last mentioned?

A - To the right of there.

Q - To the right as you went up Rock Creek?

A - Yes, sir.

Q - About how far was Barker?

A - He had to go over this other hill and down this one. (motioning)

Q - About how far?

A - I couldn't tell you.

Q - You never saw him after that?

A - No, sir.

Q - When did you last see Vitale?

A - I was approximately even with him. We had started toward the truck. He at an angle and I was going practically straight toward the creek. I saw him about fifty feet from the creek.

Q - That was the last time you saw him?

A - Yes, sir.

Q - Did you return to the truck?

A - Yes, sir.

Q - Was there anybody in the truck?

A - Not in the truck, but near it. I told them to leave the truck.

Q - Why?

A - Because I figured if someone came in a fatal moment he could escape and save the truck.

Q - How many of you left the truck and walked toward the ranch?

A - Five, counting myself.

Q - Now directing your attention to the time when additional help came, I believe you testified about 5:30, what was done then?

A - As soon as Paradise boys came, there was two trucks, the first thing they wanted was to go. We took a party, me and the boys that was saved. We walked up to where I said was the second hill, and I was with another fellow, and I spied Kennedy.

Q - You found Kennedy?

A - Yes, sir.

Q - Will you go ahead now and state the condition Kennedy was in?

A - On his back.

Q - He was dead?

A - Yes, sir.

Q - He died from being burned?

A - Yes, sir.

Q - Did you find any other body of the other boys?

A - No.

Q - Were you present when they found the bodies of any of the other boys?

A - Only Vitale.

Q - Where was he found?

A - Right over the canyon toward Rock Creek mountain.

Q - What position was he in?

A - Lying down like he was sleeping on his side.

Q - On his side?

A - Yes, sir.

Q - When he was found he was dead also?

A - Yes, sir.

Q - Do you know whether he died from being burned?

A - Yes, sir.

Q - Where Mr. Kennedy was found, the entire country was burned?

A - Yes, sir.

Q - Where Mr. Vitale was found, the entire country was burned?

A - Yes, sir.

Q - As to the other three boys, do you know where they were found?

A - On top of the mountain.

Q - You were not present?

A - No.

Q - In the place where they were found was it entirely burned?

A - They would have been able to go fifty feet and been in safety, but they did not know it.

Q - About fifty feet?

A - Yes, sir.

Q - The last time you saw Tippin and James were they with Mr. Kennedy?

A - Yes, sir.

Q - And what were they doing?

A - They were carrying water bags and running and with the other hand they were helping Kennedy.

Q - You saw Mr. Tippin and Mr. James go back to assist Mr. Kennedy?

A - Yes, sir.

Q - Do you feel that if Mr. Tippin and Mr. James had kept going they would have saved themselves?

A - They might have. It depended what way they went. If they went against the wind they would have been saved.

Q - You went against the wind?

A - Yes, sir.

Q - When you last saw Vitale, as I understand it, he was going toward the creek? And you at an angle?

A - Yes, sir.

Q - How did his condition appear to be?

A - He was walking.

Q - Was he all in?

A - He looked as well as I did.

Q - Previously, he tripped and fell over you?

A - No, that was Barker.

Q - Do you know why he went in one direction and you in another?

A - He did not follow me, because he was on the low plain and I was on a mountain. I called but I guess he didn't hear me. I guess I couldn't yell loud enough.

Q - When you came to Orovada, you were with four boys you testified about. Was there another man with you?

A - No, he came later on.

Q - Where did you first see him?

A - No, he was at the ranch; he came after us.

Q - Who was he with when he came to the ranch?

A - He was alone.

Q - Then he was not in Tippin's crew?

A - No, sir.

Q - After you left Paradise in the truck, where did you first stop?

A - Up at a fence to go to the fire.

Q - That is above the Rock Creek Ranch?

A - No, it's on the Rock Creek Ranch.

Q - After the truck was stopped up in Rock Creek Canyon and before you started up the canyon, what were your first orders?

A - Our first orders was to Tippin and Timmons to take a party and to surround the fire.

Q - Who gave those orders?

A - Mr. Timmons.

Q - Who was directing the fire?

A - Mr. Timmons was the only man directing the fire, besides Tippin.

Q - I mean at this time.

A - Yes, at this time.

Q - Is there anything else you can think of in regard to what occurred there that day that you think is important and should be disclosed in this record?

A - No, sir.

Q - You think you have covered everything pretty closely?

A - Yes, sir.

Mr. Wilbur Timmons was hereupon called to the stand, was duly sworn, and testified as follows on examination by Mr. Brown:

Q - What is your name?

A - Wilbur Timmons.

Q - Where is your place of residence?

A - Paradise Valley.

Q - Humboldt County, Nevada?

A - Yes, sir.

Q - How long have you been in Paradise Valley, Humboldt County, Nevada?

A - Three years and about eight or nine months.

Q - How old are you?

A - Thirty-two.

Q - What is your occupation?

A - Mechanic at the camp.

Q - What camp?

A - Paradise Camp F 5.

Q - Do you act as foreman at the camp?

A - Yes, sir.

Q - Go ahead and state what your work is as foreman.

A - I have charge of equipment, trucks, and drivers.

Q - Directing your attention to Friday, July 28, 1939, were you called out of camp to go to fight a fire any place that day?

A - When I returned from lunch I was notified that there was a fire in Rock Creek by the Clerk.

Q - Were you given orders to leave?

A - No.

Q - What did you do?

A - We were told to go to fires even if no one in camp to give orders. I organised a party and we left.

Q - Who drove?

A - I did. There were no regular drivers there.

Q - How many were there along with you?

A - Twenty-two boys and myself (Later shown to be 24. W.B.R.)

Q - Making a total of twenty-three?

A - Yes, sir.

Q - About what time did you leave?

A - Between 12:45 and 1:00 o'clock.

Q - Where did you go from there?

A - Passed Paradise, to Orovada, and into Rock Creek.

Q - Where did you first stop?

A - To open a gate at the Rock Creek Ranch.

Q - Will you go ahead and tell what you did before going up the mountain?

A - We drove as far as possible. Tippin was in front with me. I instructed him in regard to our method of approaching a fire in regard to the safety of the men. We unloaded the tools and water bags. I instructed him to go to the South side and I took my party to the North side, approaching from the bottom.

Q - Which side did you figure was the most dangerous side?

A - The wind was approaching from the North and West, which made the North side the most dangerous, which I took, and sent Tippin toward the South side where I could see men on horseback up there.

Q - After stopping the truck and you were unloading the water bags, etc., will you state if you gave any orders?

A - I gave orders to Tippin to keep the men in safety.

Q - How many men were there with Tippin?

A - Eleven and I took ten, besides myself.

Q - Beside himself?

A - Yes, sir.

Q - Go ahead and state what happened after you divided crews.

A - He walked up a short distance from the truck and over the saddle. We took up immediately and went up one-half to three-fourths of a mile above where Tippin crossed the creek. We crossed to the right side and left the boy that was carrying the water bags to refill them and follow us at his leisure, and we could get the water later. We walked up one-fourth of a mile approaching the fire. When we went over the second ridge we noticed the first sign of any danger. We saw the smoke and could see the flame over the other side. I told the men to go slow and run into an almost level plain. The ridge was rather green on the North side and had been burned two years ago which made it safe. There was a possibility that the truck would get burned, and I gave instructions to the only man who could drive in case of danger. The rest of us walked and tried to put the fire out in the top, because the wind was coming from the top.

Q - After you left the truck and when you were going up to the ridge, and before you started to walk back, was there any change in the wind?

A - As we were going up it was following and at our backs. It changed and was so strong we had difficulty walking.

Q - At the time you turned back, it was time to turn back?

A - Yes, sir.

Q - What happened then?

A - We worked our way slowly up the ridge in order not to have anybody out of breath, and putting it out along the top of the ridge. At that time it was about 5:30, and the smoke had come between us. We could see nothing below. We had no knowledge of anything going on below. Probably at 6:00 o'clock it seemed safe and I sent four men to contact the others down below. The rest of us went on ahead to extinguish the fire.

Q - When did you come down from the mountain?

A - About 9:00 o'clock or a little after before I returned.

Q - The fire was out?

A - Yes, except for one place.

Q - Where did you return to?

A - To the creek and on down to where the truck was.

Q - What was the condition of the truck?

A - We met a crew from the McDermitt Camp. They asked where we were from and told us one of our men was burned and some still missing, and immediately we went down----

Q - When you got to the truck what was the condition?

A - It was stuck in the irrigation ditch. The man I sent back backed it into the ditch. We found another crew right below that.

Q - What was the condition, had it been burned?

A - Yes, the back.

Q - Go on?

Q - We went probably one-hundred yards before we met Mr. Abbeglain.

Q - What did you do then?

A - They asked us where we were from and told us to go down and call up that this many were safe.

Q - Where did you go?

A - Here to Orovada.

Q - About what time did you get here?

A - About 11:30.

Q - That night?

A - Yes, sir.

Q - Did you go with any of the parties that went to search for the bodies?

A - Just with the last one.

Q - What time was it when you left?

A - Morning of Sunday.

Q - That Sunday morning?

A - Yes, sir.

Q - What did you do Saturday?

A - I helped get the two trucks organized that were to come over here at that time.

Q - Then Sunday morning you started out searching for Vitale?

A - Yes, sir.

Q - Were you present when he was found?

A - No, sir, I was on the other side.

Q - You were not present when any body was found?

A - No, sir.

Q - In connection with your work in the C.C.C. camp is fire fighting your regular duty?

A - Yes, sir.

Q - Have you had any training?

A - Yes, sir.

Q - What was that training?

A - Regular training put out through Mr. Travis, in method of handling men, approaching fire, and putting it out.

Q - Have you taken part before in fighting fires on the range?

A - Travis and I figured this morning, and it was ten.

Q - You have assisted in fighting ten other fires?

A - Yes, sir.

Q - At these fires that you have assisted have you had charge of any of them?

A - At two fires, and charge of part of the crew at others.

Q - In connection with whom?

A - Mr. Paul Travis.

Q - You have testified that there was no one in camp to give orders when word was received of the fire. When there are no superiors in camp, is it your duty to act in that position and when you learn of a fire is it your duty to go?

A - Yes, sir.

Q - You have previously testified that you did not do any searching Saturday. Were there any men here searching then?

A - Yes, sir, there were several crews.

Q - There were ample men?

A - Yes, sir.

Q - Can you tell me why you took ten men and Tippin took eleven.

A - There was an odd man, which one side had to take. He had

the toughest walk so I left him with two water boys and I took one.

Paul L. Travis was hereupon called to take the stand. After being duly sworn he was examined as follows by Mr. Brown:

Q - What is your name?

A - Paul L. Travis.

Q - Where is your place of residence?

A - Paradise Valley.

Q - Humboldt County, Nevada?

A - Yes, sir.

Q - How long have you resided in Paradise Valley, Humboldt County, Nevada?

A - More than twenty-eight years.

Q - What is your age?

A - Fifty-six.

Q - What is your occupation?

A - Forest Ranger.

Q - How long have you been Forest Ranger?

A - Twenty-nine years.

Q - In Paradise Valley?

A - Twenty-eight years and one in Wyoming.

Q - Now directing your attention to Friday, July 28, 1939, did you receive any information in regard to a forest fire?

A - Yes.

Q - When did you receive it?

A - I got to the Martin Creek ranger station about 6:30 and I thought I had seen smoke in this district. I called up my wife and asked her if there was any news. She said there was a big fire in Rock Creek.

Q - When did you leave Paradise?

A - About 7:00 o'clock.

Q - When did you get here?

A - Probably after 8:00, because I stopped a number of times. A Chaplain stopped me. He is from our camp, but I do not know his name.

Q - When you came to Orovada, what did you do?

A - I stopped at these trucks and asked the man where they were from and where they were working.

Q - On the side of the road?

A - Yes, the trucks and some men were on the side of the road. As I remember there were Golconda, Quinn River and McDermitt.

Q - What did you do when you went to Orovada?

A - Well, I talked to Mr. Abbeglain. He had the second party that came and his men were searching, the other Paradise crew were working on this side, and Timmons had his crew on top of the mountain. I called Mr. Hardy after I had the lay of things pretty well here and told him to send more men. He had charge of the stub camp, and notified him to have them here by 4:00 o'clock in the morning. That's usually a good time to get to a fire because it deadens by then. It was too late and rocky and bad to take men to the top of the fire that night. There were lots of men on the fire. I did not think it was necessary to work on Rocky Mountain because I knew there had been a fire there two years before--Timmons with one crew and I with the other.

Q - What mountain is that you speak of?

A - Rocky Peak, above Rock Creek, the fire burned there. The fire was pretty well dead. Golconda had the South side and I think Mr.

Prout was there. One of our crew was on this side. Bob Scott and one of our crew was there; I believe there were a lot of other local residents there. Mr. Abbeglain asked me to take some boys where the body was found and leave them with the body. I took one boy and four others and went up there. It is up to the end of the road. Then we went up a trail that leads to a dry gulch and on to McConnel Creek. We went to where the body was.

Q - You have just testified about a trail that leads to McConnel Creek. Will you go ahead and describe the course and direction of this trail so that it will be in the records?

A - The trail starts in Rock Creek, goes up Rock Creek about one-half mile, switches back to a low pass on the South side of Rock Creek, turns Southeast and follows a small, dry gulch and then close to the ridge into Antelope Creek, following Antelope Creek to a point about one-half mile above the head of the South part of Antelope Creek and crosses over a low pass into McConnel Creek.

Q - Now you have testified you went over with these boys to where the body was found. What body was found?

A - I did not know his name, but he was the electrician. There was a light socket nearby. That is how they were sure who it was.

Q - Have you been informed that the boy was George J. Kennedy?

A - I was. After I watched the fire from there and I spotted a bunch of men who were too tired to fight. We could have worked at the head of the canyon which was the safest part of the fire because the wind was blowing down the hill and it was hard for it to cross the ridge. The range on the other side was green and would not burn. The men I had there were tired and I could not

take them up. I came down between 1:00 and 2:00 o'clock.

Q - Of the morning?

A - Yes, Saturday morning. And I talked to the officers, foreman, and superintendents of some of the other camps and discussed the work, and I think the Chaplain from our camp was back here too. And one camp, I do not remember which, had men up there and I told them that I would have enough men here to handle the upper hill of the fire. The men came early, earlier than I expected, about 2:00 o'clock.

Q - Which men?

A - The two truck loads I was waiting for. I did not take them up at that time because it was dark and very difficult, and I wanted to have them fresh. We left about 3:00 o'clock, Saturday morning. At the same time Lieutenant Ford and his party went to get this Kennedy's body and as soon as it was light enough I told Mr. Nelson's crew of about twenty-five or twenty-six to go to the head of the fire. A few minutes before we left I sent Mr. Keller's crew, foreman, to the South end of the fire with instructions to mop up all of the outside edge to the top to meet us. We worked our way up the line, the North side of the fire, putting everything out as we went. We reached the top about 7:00 o'clock with about seven or eight men, perhaps twelve. As we went up the ridge we could see men going up on horseback and we heard them say that they had found Tippin--three--we gathered they were not alive. The boys knew they must be dead or they would have been broadcasting it.

(The hearing adjourned until 1:20 o'clock P. M. Paul L. Travis still on the witness stand.)

Q - You have just been testifying in regard to what was done early in the morning of July 29, 1939, that is Saturday morning. Will you go ahead and state what was done Saturday?

A - There was a large group, I know the Paradise Valley crew was one and a lot of local residents I know and some I don't, were searching the hills for the bodies. We were on the extreme tip of the fire stopping any outbreaks and anything that might be dangerous. I understood there were about fifty searchers from the Quinn River Camp and about twenty or twenty-five from the Paradise Camp and that's all I know except the local men on horseback and on foot.

Q - And they were searching for the body not found?

A - Yes.

Q - Saturday?

A - Yes.

Q - You have mentioned the names of Mr. Abbeglain, and possibly one or two others. Can you tell us who these men are?

A - Keller, Abbeglain, Nelson, and Timmons are C.C.C. foreman at Paradise Camp F 5, and they are in charge of fire crews that go out.

Q - You have charge of the forests in the Paradise area and in the Santa Rosa area?

A - Yes.

Q - You are over these men?

A - Yes, in fire fighting.

Q - After you got to Rock Creek you took over the situation?

A - Yes, but we never actually changed anything. The first truck I met was Golconda and I asked them about the fire. They said they

were fighting the fire on the ridge. The next truck as I remember were Quinn River men. They were holding the fire at the highway. It had jumped across several times.

Q - When you reached here you found the fire pretty well in control?

A - Yes.

Q - You did take charge?

A - Yes.

Q - Mr. Timmons, Abbeglain continued until sometime Sunday?

A - No, that I couldn't say. Mr. Timmons went back sometime during the night. Mr. Abbeglain was here Saturday morning but I do not know how long he stayed. Nelson and Keller came with the relief crew about 2:00 o'clock Saturday morning, but we did not leave here until 3:00 o'clock.

Q - But you had foremen under you until sometime Sunday?

A - Yes, at the last I had two unless there were more searching below that I do not know of. Three before but two at the last. We changed foremen at the time. They had all had fire fighting training and were able to handle crews.

Q - I am going to show you a map here. I am going to ask that it be marked Exhibit "A". It represents portions of Range thirty-seven in Townships Forty, forty-one, forty-two, and forty-three, Range thirty-eight in the same Township, Range thirty-nine in the same Townships, Range forty in Townships forty-two and forty-three, and Range forty-one in Townships forty-two and forty-three, is that correct?

A - Yes.

Q - Now directing your attention to a map drawn in the right hand

lower corner, do you know who drew that map.

A - Yes.

Q - Who?

A - I did.

Q - On the larger map have you drawn a pencil outline showing what area is represented by the smaller map?

A - It is approximately the area--not the same, but it includes the same area.

Q - Now taking the small map I'll ask that you explain what the broken red pencil line represents?

A - It represents the approximate outline of a burned area that burned in the vicinity of Rock Creek.

Q - That's the fire about which you and the other witnesses have been testifying?

A - Yes.

Q - You have testified to a trail that leads to McConnel Creek. Is that trail designated on this map?

A - Yes.

Q - How?

A - By a broken pencil line--a heavy line.

Q - Have you the words "McConnel Creek Trail" on the map?

A - Yes.

Q - You have delineated that trail on the map by starting just below Snap Mountain and following on right beyond the words "origin of fire"?

A - Yes.

Q - Have you designated on the map in some manner the origin of the fire?

A - Yes.

Q - Is that by any means a cross with a circle around it?

A - Yes.

Q - Have you "Gabica Ranch" on that map?

A - Yes.

Q - Is that on the upper left hand corner of the map with the words "Gabica Ranch" on it?

A - Yes.

Q - Have you the highway on the map and have you I. C. N. No. 8 on it?

A - Yes.

Q - Is that the same as Nevada Route No. 8?

A - Yes.

Q - Have you Rock Creek designated on there as "Rock C-r."?

A - Yes.

Q - And likewise Antelope Creek by "Antelope C-r"?

A - Yes.

Q - And likewise McConnel Creek by "McConnel C-r"?

A - Yes.

Q - How long have you known Mr. Timmons?

A - About four years.

Q - During that time have you been working with him?

A - Yes.

Q - And on what occasions have you had the opportunity to work with him?

A - My work with him is mostly on fires because his work and my work are related only in fires.

Q - And about on how many fires have you worked together?

A - Twelve. No, ten, I think, we have worked together on.

Q - On those occasions you have worked with him?

A - Yes.

Q - And watched him operate?

A - Yes.

Q - I ask that you state his ability as a foreman to take charge of a fire?

A - I do not know of any other foreman I would rather have. He is capable and able. He took care of the fire and his men as capable as anybody could do. He has been to training school for three years and I think he has been in full charge of two fires. The suppression of which he attended to himself. He is very serious about his work, attends to that strictly. He understands fighting fires. We have talked about it over at training school and on fires.

Q - In case you had a serious forest fire, would you place Mr. Timmons in charge of a crew?

A - Yes, I would be very glad to have him.

Q - Do you think he would be a valuable man?

A - Yes.

Q - Do you have a training school at your camp and how long does it last?

A - Yes, we do. It lasts one or two days. Sometimes three.

Q - Who attends?

A - Some years we have representatives from the Regional Office. Not this year. If no representative comes, I take charge. We describe how to handle fires and if possible we show the boys how to approach

fires. This year we attempted to show the boys by burning a patch of weeds. We had the leaders put out the fire, and had the boys watch them. We show them where the fire tools are and they are shown the fire map showing where tools are. At this time we have an agreement with the Indians. Mr. Norris is an officer and Mr. Robert Scott and Mr. McCormick can hire men and take them to the district where there is a fire. They know with whom to cooperate in case of fire.

Andrew Zulick was hereupon called and duly sworn. He was then examined as follows by Mr. Brown:

Q - What is your name?

A - Andrew Zulick.

Q - Where do you reside?

A - Paradise Valley C.C.C. camp.

Q - What is the number of that camp?

A - Camp F 5, Company 1212.

Q - How old are you?

A - Twenty.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to come over to Rock Creek in connection with a fire?

A - Yes.

Q - Who did you come with?

A - With Jack Abbeglain.

Q - What time did you get here?

A - I couldn't recall. After supper.

Q - Approximately?

A - In the afternoon.

Q - About what time?

A - I imagine about 6:00 o'clock.

Q - When you arrived what did you do?

A - We went to search for the boys that were missing.

Q - Who was with you?

A - Jack Abbeglain and about five or six and maybe more boys.

Q - Did you locate any of the boys?

A - I was drawn to the attention by one of the boys.

Q - You were in the group that located some of the boys?

A - Yes.

Q - What body did you locate?

A - Kennedy was the first we found.

Q - What other bodies did you find?

A - The next morning we found James, Tippin, and Barker.

Q - About what time did you fine James, Tippin, and Barker?

A - Early that morning.

Q - Can you give me an idea as to the time?

A - Between 4:00 and 5:00 o'clock, probably later. Just about day break.

Q - When you located these bodies can you tell me approximately how they were?

A - They were all in a straight line about five feet in front of each other. James on bottom and Tippin above Barker.

Q - Referring to Tippin's body, can you tell me in what position he was lying?

A - His head was down hill.

Q - How lying?

A - On his side with his head downhill.

Q - The next body, whose was that?

A - Barker, I believe.

Q - Whose was the next body down the hill?

A - James, his head downward too.

Q - Where these four men's bodies were found was above Orovada, in Humboldt County, Nevada, where they had the fire on July 28, 1939, and July 29, 1939?

A - Yes.

Q - In regard to the bodies which you found and about which you have testified, Kennedy, James, Barker, and Tippin, you were sure in regard to the identity of these bodies?

A - I believe I could identify all of them.

John Junick was hereupon called to the stand and duly sworn, after which he was examined as follows by Mr. Brown:

A - What is your name?

A - John Junick.

Q - Where is your home?

A - New York.

Q - And in Nevada?

A - Paradise Valley.

Q - C.C.C. Camp?

A - Right. No. 1212.

Q - How long have you resided there?

A - Four months.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to leave the camp and come to Rock Creek in connection

with the fire?

A - Yes.

Q - About what time did you get here?

A - The last time I know of was about 7:30. I couldn't say but it was sometime before I asked the time.

Q - That evening did you do anything in regard to the search of the missing boys?

A - Yes.

Q - What did you do?

A - We were told to watch the first boy, Kennedy, and in the morning the other crew came to relieve us. We were carrying the body down. We set the body down to take a rest. We looked up and saw the other three.

Q - Where?

A - On top of one of the hills.

Q - Do you know who there?

A - Yes, Tippin, James, and Barker.

Q - When you found these three bodies how were they lying in relation to each other?

A - Two was facing uphill and one downhill as if going after the other two. (Tippin. W.B.R.)

Q - How far apart from each other were they?

A - About three or four feet away from each other.

Q - Who was facing downhill?

A - Tippin.

Q - And the other two were facing uphill?

A - Yes.

Q - What was the position of Tippin's body?

A - On his stomach, and his hands were in the ground.

Q - What was the position of James' body?

A - Up and his hands stuck in the ground.

Q - And the position of Barker's body?

A - He was same way as James, and trying to get up.

Q - As to the identify of Kennedy, the body you were carrying back, and the bodies of James, Tippin, and Barker, you are positive as to the identify of those four men?

A - Yes.

Q - And the bodies of all those four men were found in the vicinity of Rock Creek, where they had the forest fire on July 28, 1939, and July 29, 1939?

A - Yes.

Q - When you were up on the mountain on the evening of July 28, 1939, what was the condition of the ground, was it hot and still burning?

A - The fire was still burning on the mountains, and where we were some of the fellows were complaining that their feet was burning.

Emerson Fuller was hereupon called to the stand and duly sworn. After which he was examined as follows by Mr. Brown:

Q - What is your name?

A - Emerson Fuller.

Q - Where is your place of residence?

A - Syracuse.

Q - In Nevada?

A - Paradise Valley.

Q - Are you an enrollee in the C.C.C. Camp F 5, Company 1212?

A - Yes, sir.

Q - How long have you been in this camp?

A - About twelve months.

Q - How old are you?

A - Seventeen.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to leave the camp and come to Rock Creek in connection with a forest fire?

A - Yes.

Q - About what time did you get here? To Rock Creek?

A - About 6:30.

Q - Between 6:00 and 7:00 o'clock?

A - Yes.

Q - What did you do when you got here?

A - Got off the truck and went after boys.

Q - Were you present when Kennedy's body was found?

A - Yes, sir.

Q - Where was his body located or found?

A - In a gully.

Q - Did you assist in finding the other bodies?

A - Yes, sir.

Q - What other bodies?

A - The bodies of James, Tippin, and Barker.

Q - You were present when the bodies of James, Tippin, and Barker were found?

A - Yes, sir.

Q - When these three bodies were found, will you tell me how they were lying in relation to each other?

A - In a line up the hill.

Q - How far apart?

A - About five or six feet apart.

Q - What was the position of Tippin's body?

A - Tippin was facing down.

Q - What was the position of Barker?

A - On his face uphill.

Q - Position of James?

A - Same as Barker.

Q - Going uphill?

A - Yes.

Q - When you started on the search, what was the condition of the fire? Was it still burning?

A - Yes, in certain parts.

Q - Was the ground hot?

A - No, but you could tell there had been a fire.

Q - What are some of the evidences?

A - Ground was all black.

Frank Solar was hereupon called and duly sworn. He was examined by Mr. Brown as follows:

Q - What is your name?

A - Frank Solar.

Q - Where is your place of residence?

A - New Jersey.

Q - Where in Nevada?

A - Camp Paradise, Company 1212.

Q - How long have you been there?

A - Four months, sir.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to go from the camp to the vicinity of Rock Creek?

A - I was called by Tippin to go, yes, sir.

Q - When did you get to Rock Creek?

A - Between 2:00 and 3:00 o'clock.

Q - In the afternoon?

A - Right, sir.

Q - Where did you stop the truck?

A - At the end of the road going into the valley in Rock Creek Canyon.

Q - When you got out of the truck, were there crews organized?

A - Yes, sir.

Q - Who was your foreman?

A - Tippin.

Q - Who was the foreman of the entire party?

A - I think Timmons.

Q - Where did your party go that had Mr. Tippin as leader?

A - Timmons went over the mountain, and we went through the valley up to the fire on the mountain.

Q - When you got up on the mountain what was the first thing that was done?

A - Mr. Tippin said for us to be careful. He said, "Fellows, watch the fire and try not to get into it."

Q - After you got up to the fire was there anything unusual in regard to the fire?

A - Yes, we got up into the mountain and Tippin turned around and

we heard a roar like a furnace. Then Tippin said, "Watch it, fellows. You'd better run." And we started to run. That's all I remember.

Q - What do you mean when you say "we"?

A - All of us. Tippin and all of us. I believe about twelve.

Q - Who was with you going down the mountain?

A - Appussleman, Romasky, myself, and Wilasky. I guess that's all.

Q - Four of you?

A - Yes.

Q - When you went down the mountain where did you go?

A - Down the mountain--along the side. I saw the truck and then went to the ranch house.

Q - Did you stop at the truck?

A - Yes, sir, because of Wilasky. He carved on the seat of the truck "Four saved". That's all he had time to write. That's all he told me.

Q - Did you see that?

A - No, I did not.

Q - Will you tell me the last time you saw George J. Kennedy alive?

A - Up to the fire, when we got to the top of the mountain.

Q - Before you started down the mountain?

A - Yes, sir.

Q - Did you see him coming down?

A - No.

Q - When was the last time you saw Walter James alive?

A - He was with Tippin and Barker. Those three were together.

Q - When did you see them last?

A - In the mountain, when the fire was coming over the ridge.

Q - That's the last time you saw Tippin and Barker?

A - Yes, sir.

Q - When did you last see Frank Vitale?

A - In the truck, but never in the mountain. Everything happened so fast I did not have time to turn around to see who was there. I never saw Vitale.

Q - You have testified that there was a roar like a furnace just before you started down the mountain. Go ahead and describe the fire and wind?

A - First of all we went up the mountain. Tippin no more than said ten words and we heard a roar. He said, "Run, fellows, the fire's close." Tippin and James and Barker they ran in the wrong direction. When I turned I did not see Tippin any more. Tippin ran to the right. We went to the left.

Q - Describe what you recall of the wind?

A - The thing that happened was that they were forced into a trap, --the way the wind was blowing and the fire was coming. It seemed like the fire was trying to get those guys. The only thing they could do was run into the gully. They started to run, changed their mind, and saw it was hopeless. There was a big cloud of smoke and formed a horseshoe. I come over the mountain and there's the truck. I saw the three other fellows, and then the fire swept over the mountain. Just as we got down to the truck the wind changed and started blowing in another direction.

Q - When you got back to the truck and started on down, when was it that additional help came?

A - Mr. Abbeglain was the first one, and he stopped up there.

Discussion off records.

Q - When you returned to the ranch, about how long was it before it was possible for help and assistance to go after these boys?

A - About five or six hours, if not more.

Q - Why?

A - Because the fire started burning by the ranch.

Q - And you could not get through?

A - No, Abbeglain would not let them. It would mean more lives lost.

Q - Did you go to Winnemucca on Saturday, July 29, 1939?

A - Yes, sir.

Q - And examined the bodies of four men that had been burned?

A - Yes, sir.

Q - Who were those four men?

A - Tippin, Barker, James, and Kennedy.

Q - How did you identify the body of George J. Kennedy?

A - Because he was the shortest and stocky built.

Q - How did you identify the body of Walter James?

A - By the O. D. shirt he was wearing. A part of the sleeve hadn't been burned, and by the logger boots. He was the only guy in camp wearing this kind of boots.

Q - How did you identify the body of Frank W. Barker?

A - I asked the undertaker if he got gold on the side of his mouth. I noticed it when he smiled.

Q - Did you see that?

A - Yes, sir.

Q - How did you identify the body of Ernest R. Tippin?

A - Through a ring, which he had on and a round shoulder.

John Petrasek was hereupon called to the stand, was duly sworn, and examined as follows by Mr. Brown:

Q - What is your name?

A - John Petrasek.

Q - Where is your home?

A - New Jersey.

Q - How old are you?

A - Twenty.

Q - Where is your place of residence in Nevada?

A - Paradise Camp.

Q - C.C.C. Camp?

A - Yes, sir, Company 1212.

Q - How long have you been in this camp?

A - Since October, 1937.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to leave the camp and come to Rock Creek to a fire?

A - Yes, sir.

Q - What time did you get to Rock Creek?

A - I left camp after lunch, about 1:15.

Q - What time did you get here?

A - About 2:00 o'clock.

Q - In the afternoon?

A - Yes.

Q - When you stopped your truck, were two crews organized?

A - Yes.

Q - Who was your leader?

A - Mr. Timmons, Foreman.

Q - Directing your attention to July 29, 1939, Saturday, did you have an occasion to come to Winnemucca, to the Edna T. Eddy & Son Funeral Parlors and identify four bodies?

A - Yes.

Q - Whose bodies were they?

A - Kennedy, Tippin, Barker, and James.

Q - How were you able to identify the body of George J. Kennedy?

A - He was the smallest.

Q - In stature?

A - Yes.

Q - How were you able to identify the body of Walter James?

A - He had a sleeve of an O. D. shirt and had logger boots on. Only one who had this kind of boots on.

Q - How were you able to identify the body of Frank W. Barker?

A - He had a piece of gold in the middle of the teeth.

Q - How were you able to identify the body of Ernest R. Tippin?

A - Had a ring with Oswego High School on it.

Q - After you viewed these bodies, was there any question as to their identity?

A - No.

Q - Are you positive they were the bodies of George J. Kennedy, Walter James, Frank W. Barker, and Ernest R. Tippin?

A - Yes.

Lawrence Dunn was hereupon called, was duly sworn and examined by Mr. Brown as follows:

Q - What is your name?

A - Lawrence Dunn.

Q - Where is your home?

A - Jersey, North Jersey.

Q - How old are you?

A - Twenty-eight.

Q - Twenty-eight?

A - Yes, sir.

Q - Where do you live in Nevada?

A - Paradise Valley, sir.

Q - In the C.C.C. Camp, Company 1212?

A - Yes, sir.

Q - How long have you been residing there?

A - I have been there now about one year, one and one-half this September.

Q - Directing your attention to Saturday, July 29, 1939, did you have an occasion to go to Winnemucca, to the Edna T. Eddy & Son, Undertaking Parlors and identify the four boys burned?

A - Yes, I did, sir.

Q - Whose bodies were they?

A - I saw James, Kennedy, Tippin, and Barker.

Q - How were you able to identify the body of George J. Kennedy?

A - By his feet, which were the smallest. There still was some hair on the side of his head. It was blond. Small features.

Q - His stature was small?

A - Yes, sir.

Q - How were you able to identify the body of Walter James?

A - Just by the O. D. shirt he had on and logger boots he had on.

Q - How were you able to identify the body of Frank W. Barker?

A - He was one of the boys who worked in the kitchen with me. He had gold in his mouth.

Q - You worked with Barker?

A - Yes, sir.

Q - How were you able to identify the body of Ernest R. Tippin?

A - He had a ring on his finger.

Q - Was there any question in regard to being the bodies of George J. Kennedy, Walter James, Frank W. Barker, and Ernest R. Tippin?

A - No, sir.

Q - Are you positive they were the bodies of those men?

A - Yes, sir.

Dr. Ernest Grover was hereupon called to the stand, was duly sworn, and examined as follows by Mr. Brown:

Q - What is your name?

A - Ernest Grover.

Q - Where is your home?

A - Brigham, Utah, now Paradise Valley C.C.C. Camp F 5, Company 1212.

Q - How old are you?

A - Twenty-nine years old.

Q - What is your position?

A - Physician and surgeon.

Q - Are you a graduate of any college?

A - Yes, University of Berlin, Germany.

Q - Are you licensed to practice in any state?

A - Yes, in Utah.

Q - By whom are you now employed?

A - By the federal government.

Q - How long have you been physician and surgeon of the Paradise Camp?

A - For three and one-half months.

Q - When did you graduate from college?

A - 1934.

Q - Directing your attention to Saturday, July 29, 1939, did you have an occasion to view the bodies of four boys in the vicinity of Rock Creek, Humboldt County, Nevada?

A - Yes.

Q - Where did you first see these boys?

A - I saw Kennedy first in a gully over the second woods (ridge?), to the other side from Rock Creek.

Q - And where did you see the other three bodies?

A - I saw them on the way back. We stopped to rest, and one of the fellows looked up the slope next to Rock Creek and said, "Is that a rock or men?" I looked up there and said it looked like the legs of a man, but it was the color of a rock, and so about three men went up and there were three bodies.

Q - Did you make a careful examination of the bodies?

A - Yes, sir.

Q - As a result of your examination are you able to state the cause of the death of George J. Kennedy?

A - Second and Third degree burns over the entire body.

Q - As a result of your examination are you able to state the cause of the death of Walter James?

A - Second and Third degree burns over the entire body.

Q - As a result of your examination are you able to state the cause

of the death of Frank W. Barker?

A - Second and Third degree burns over the entire body.

Q - As a result of your examination are you able to state the cause of Ernest R. Tippin's death?

A - Second and Third degree burns over the entire body. Besides that Kennedy had a compound fracture of his left ankle.

Q - Directing your attention of Sunday, July 30, 1939, did you have an occasion to examine the body of Vitale?

A - Yes, sir.

Q - Where?

A - In the ambulance at Orovada.

Q - As a result of your examination are you able to state the cause of the death of Frank J. Vitale?

A - Second and Third degree burns covering more than two-thirds of his body. In regard to Vitale he probably dropped from exhaustion, and overcome by smoke and burned after that. I believe that he was unconscious when he burned. Kennedy must have been in the same position. He dropped. He did not move at all. He was in a peculiar position like he was in severe pain, but probably the fire got him so quick he did not have time to move on. James and Barker both dropped while running, and died so quickly they did not move. Tippin was almost to the top of the ridge. He must have turned back, probably to help some of the other fellows, and made an attempt to go towards them. He was the only one who might have made a move. His left arm was bent and his left hand was on the ground as if he tried to push himself forward. Both his legs were straight while the fire was going over him. Then he bent his left leg to push himself

front, and then he moved his leg about one-half foot.

Q - How were you able to identify Frank J. Vitale?

A - He had small features and slight stature. His features were not burned so very much as the others, so I recognized Vitale by his features and also by his hair cut, because he had a peculiar hair cut.

Q - As a result of your examination you made upon the body of Frank J. Vitale, were you able to positively identify that body as being the body of Frank J. Vitale?

A - Yes, I was, by his height, physical build, his hair cut, and by the features of his face.

Q - How often do you make an examination of the boys at camp?

A - Because he was a K.P. I examined him once a week.

Q - So in your mind you are positive he was Frank J. Vitale?

A - Yes, sir.

Mr. W. B. Rice was hereupon called to the stand, duly sworn, and examined by Mr. Brown as follows:

Q - What is your name?

A - W. B. Rice.

Q - Where is your place of residence?

A - Ogden, Utah.

Q - What is your age?

A - Fifty-one.

Q - What is your occupation?

A - Associate Regional Forester, Region Four.

Q - Have you supervision of the Santa Rosa Division of the Toiyabe National Forest Reserve?

A - Yes, the Ogden office does.

Q - Have you had an occasion to make an inspection and examination of a forest fire that occurred in the vicinity of Rock Creek?

A - Yes, sir. I was up there yesterday.

Q - How long have you been connected with the Forest Service?

A - A little over twenty-seven years.

Q - During that time did you have occasions to fight fires?

A - Yes, sir.

Q - How often?

A - For sixteen years I was supervisor of the forests in Southern Idaho. During that time there occurred between 1,000 and 1,200 fires, which were under my supervision. I probably was personally on somewhere between one hundred and one hundred fifty of those fires, mostly the larger ones.

Q - From your experience can you give me an idea as to the actions of a forest fire?

A - From looking over the fire in this vicinity, I think it was unusual having a fire run down hill at a high rate of speed. I've only known of one fire that ran down hill for a long distance and in that case it took two or three days to make the same distance that was made here in forty-five minutes.

Q - Are you able to give some reason for this unusual occurrence?

A - The reason was change in the wind and hurricane conditions, which I can't explain the reason for. I do not know why the wind blew that way.

Q - Are you familiar with this country and type of ground on the hills?

A - Yes, sir.

Q - In your opinion would it be safe to approach the fire from beneath and from the lower side of the mountain?

A - Yes, sir. I do not believe I would hesitate to take the same course the boys took.

Q - Do you think that Timmons' action, for the purpose of pinching the fire by parallel method was advisable for this particular fire?

A - Yes, that's one of the acceptable methods in fire fighting.

A. D. Molohon was hereupon called to take the stand. After being duly sworn he was examined by Mr. Brown as follows:

Q - What is your name?

A - A. D. Molohon.

Q - Where is your place of residence?

A - Salt Lake City, Utah.

Q - What is your occupation?

A - Chief of range improvements in the Division of Grazing.

Q - How long have you been connected with the Division of Grazing?

A - Since 1935 with the Division of Grazing. Prior to that time with the United States Forest Service.

Q - How long?

A - Eleven years. Two years temporary work.

Q - Have you had an occasion during the past day or so to make an investigation of an area in the Santa Rosa Range near Rock Creek in reference to a fire?

A - Insofar as the actual fire itself, I have not done so. I have made an investigation which pertains to the Division of Grazing.

Q - During the time you have been connected with the Forest Service

and the Division of Grazing, have you fought forest fires?

A - Yes, sir.

Q - Where?

A - In the Southwest in the region known as Region Three, in the states of New Mexico and Arizona.

Q - How many fires did you have personal contact with or assist in fighting?

A - For eleven years about fifty fires a year.

Q - As a result of your investigation or examination and in view of your experience with fire fighting, what is your opinion in regard to the action of this particular fire?

A - In view of the topography of the country it seems most unusual. Quite a coincidence--I have only known of one other fire that burned from the top of the mountain down. A fire which occurred in 1925 in a place in Miller Creek, Chico Mountain in Arizona.

Q - You have heard the testimony given here in connection with a plan of Mr. Timmons, Foreman, in charge of crew which came over from Paradise Valley?

A - Yes, sir.

Q - In your opinion, taking into consideration the topography of the country and what you have heard here, do you think Timmons took proper action in fighting the fire?

A - Yes, sir. I would have taken the same action as Timmons did.

Mr. Gerald W. Ford was hereupon called to take the stand, was duly sworn, and examined by Mr. Brown as follows:

Q - State your name?

A - Gerald W. Ford.

Q - Where is your place of residence?

A - Anglewood, New Jersey.

Q - At the present time?

A - Camp F 5 Paradise Valley, Nevada, Company 1212.

Q - What is your occupation?

A - Right now commanding officer of that camp.

Q - You hold a commission?

A - First Lieutenant, Infantry Reserve No. 1.

Q - Do you have a record and files of the personnel of the enrollees in your camp?

A - Yes, sir.

Q - What is the date of the birth of George J. Kennedy?

A - George J. Kennedy was born February 21, 1917. Born in New York City, New York.

Q - What is the date of the birth of Walter James?

A - Walter James born May 15, 1921, in Brooklyn, New York.

Q - What is the date of the birth of Frank W. Barker?

A - Frank W. Barker was born November 2, 1919.

Q - Where?

A - Brooklyn, New York.

Q - State the date of the birth of Ernest R. Tippin?

A - Ernest R. Tippin was born June 5, 1918, at Steamboat Springs, Colorado.

Q - State the date of the birth of Frank J. Vitale?

A - Frank J. Vitale was born October 31, 1919, at Brooklyn, New York.

Q - These men you have just testified about, about the date and

place of their birth, are the five men burned to death in connection with a fire in the Santa Rosa Range in the vicinity of Rock Creek, Humboldt County, Nevada?

A - Yes, sir.

Recessed until 3:55 P. M.

Frank Tucceri was hereupon called to take the stand. After being duly sworn, he was examined by Mr. Brown as follows:

Q - What is your name?

A - Frank Tucceri.

Q - Where is your home?

A - Geneva, New York.

Q - How old are you?

A - Twenty-two.

Q - Where do you reside in Nevada?

A - Paradise Valley.

Q - Are you an enrollee at the C.C.C. Camp at Paradise Valley, Camp F 5, Company 1212?

A - Yes, sir.

Q - Directing your attention to Friday, July 28, 1939, did you have an occasion to come from the camp to a forest fire in Rock Creek, Humboldt County, Nevada?

A - Yes, sir.

Q - About what time did you arrive at Rock Creek?

A - About 2:30.

Q - In the afternoon?

A - Yes, sir.

Q - After you arrived there, were there two crews organized?

A - Yes, sir.

Q - Who was your leader?

A - Timmons.

Q - Now directing your attention to Sunday, July 30, 1939, were you in a searching party looking for one of the boys from the Paradise Camp who was missing?

A - Yes, sir.

Q - Were you present when he was found?

A - Yes, sir.

Q - Where was he found?

A - On the hillside near a rock.

Q - Who was with you when this body was found?

A - Mr. Abbeglain.

Q - And who else?

A - Some of the other boys, a group from the camp.

Q - When the body was found how was he lying?

A - On his side. His head up and his feet down.

Q - Did you pick up anything in the vicinity where he was found?

A - Yes.

Q - What did you pick up?

A - A buckle from his belt, buttom from his overall, eyelets from shoes.

Q - What was the condition of his body when you found him?

A - He had no clothes on.

Q - Why?

A - He had been burned.

Q - Now directing your attention to these articles, which have been

marked Exhibit "B", which you found right where the body was found, are they a part of his wearing apparel?

A - Yes, sir.

Q - Is that a part of a uniform worn by enrollees in a C.C.C. Camp?

A - Yes, sir.

Q - Could you tell from what you saw there whose body that was?

A - Yes, sir, it was Vitale.

Q - How long did you know Vitale?

A - I know him as a rookie as he was a K. P.

Q - About what time of day did you find his body?

A - In the morning, Sunday morning about 10:30 o'clock.

A - About 10:30?

A - Yes, sir.

(The inquest is concluded and the jury retires)

STATE OF NEVADA, }
} ss.
COUNTY OF HUMBOLDT }

I, Frances Larragueta, the duly appointed and qualified reporter at said hearing above entitled, do hereby certify that I was present in person at said hearing and took down in shorthand notes the testimony given at said hearing, and thereafter transcribed the same into typewritten copy, and that the foregoing pages numbered 1 to 52 (pages 2 to 60 when recopied), inclusive, contain all of said testimony so taken by me at said hearing, and that this transcript is a full, true and correct transciption of said testimony so taken by me to the best of my ability.

IN WITNESS WHEREOF I have hereunto set my hand this 3rd day of August, A. D. 1939.

FRANCES LARRAGUETA

STATE OF NEVADA, }
} ss.
COUNTY OF HUMBOLDT. }

IN THE MATTER OF THE INQUISITION UPON THE
BODIES OF George J. Kennedy, Walter James,
Frank W. Barker, Ernest R. Tippin, and
Frank J. Vitale,
DECEASED.

We, the undersigned jurors, summoned to appear before I. W. Minor, Justice of the Peace and Ex-officio Coroner of McDermitt Township, Humboldt County, State of Nevada on the 28, 29, 30, and 31st days of July, A. D. 1939, to inquire into the cause of the death of George J. Kennedy, Walter James, Frank W. Barker, Ernest R. Tippin, and Frank J. Vitale, Deceased; after having been duly sworn according to law and having made such inquisition, after having viewed the bodies of the deceased and hearing the testimony of the witnesses, upon our oaths each and all do say:

That we find that the deceased George J. Kennedy, came to his death at a place on the mountain between Rock Creek and Antelope Creek, about three miles East of Orovada, in the County of Humboldt, State of Nevada, and at the time of his death was of the age of 22 years, and a native of New York; that he came to his death on the 28th day of July, 1939, from second and third degree burns, on his body received while fighting a forest fire in the vicinity of Rock Creek, Humboldt County, Nevada, and that he was a member of a crew of C.C.C. enrollees sent from Camp F 5, Paradise Valley, Humboldt County, Nevada, under the direction of Foreman Wilbur Timmons, and

that Foreman Wilbur Timmons was in no way responsible for his death, but instead, George J. Kennedy, burned to death on account of a sudden strong wind, which changed the course of the fire and caused him and others to become trapped.

That we find that the deceased Walter James came to his death at a place on the mountain between Rock Creek and Antelope Creek, about three miles East of Orovada in the County of Humboldt, State of Nevada, and at the time of his death was of the age of 18 years, and a native of New York; that he came to his death on the 28th day of July, 1939, from second and third degree burns, on his body received while fighting a forest fire in the vicinity of Rock Creek, Humboldt County, Nevada, and that he was a member of a crew of C.C.C. enrollees sent from Camp F 5, Paradise Valley, Humboldt County, Nevada, under the direction of Foreman Wilbur Timmons, and that Foreman Wilbur Timmons was in no way responsible for his death, but instead, Walter James, burned to death on account of a sudden strong wind, which changed the course of the fire and caused him and others to become trapped.

That we find that the deceased Frank W. Barker came to his death at a place on the mountain between Rock Creek, and Antelope Creek, about three miles East of Orovada, in the County of Humboldt, State of Nevada, and at the time of his death was of the age of 19 years, and a native of New York; that he came to his death on the 28th day of July, 1939, from second and third degree burns, on his body received while fighting a forest fire in the vicinity of Rock Creek, Humboldt County, Nevada, and that he was a member of a crew of C.C.C. enrollees sent from Camp F 5, Paradise Valley, Humboldt

County, Nevada, under the direction of Foreman Wilbur Timmons, and that Foreman Wilbur Timmons was in no way responsible for his death, but instead, Frank W. Barker, burned to death on account of a sudden strong wind, which changed the course of the fire and caused him and others to become trapped.

That we find that the deceased Ernest R. Tippin came to his death at a place on the mountain between Rock Creek and Antelope Creek, about three miles East of Orovada, in the County of Humboldt, State of Nevada, and at the time of his death was of the age of 21 years, and a native of Kansas; that he came to his death on the 28th day of July, 1939, from second and third degree burns, on his body, received while fighting a forest fire in the vicinity of Rock Creek, Humboldt County, Nevada, and that he was a member of a crew of C.C.C. enrollees sent from Camp F 5, Paradise Valley, Humboldt County, Nevada, under the direction of Foreman Wilbur Timmons, and that Foreman Wilbur Timmons was in no way responsible for his death, but instead, Ernest R. Tippin, burned to death on account of a sudden strong wind, which changed the course of the fire and caused him and others to become trapped.

That we find that the deceased Frank J. Vitale came to his death at a place on the mountain North of Rock Creek, about two and one-half miles East of Orovada, in the County of Humboldt, State of Nevada, and at the time of his death was of the age of 19 years, and a native of New York; that he came to his death on the 28th day of July, 1939, from second and third degree burns, on his body, received while fighting a forest fire in the vicinity of Rock Creek, Humboldt County, Nevada, and that he was a member of a crew of C.C.C. enrollees sent from Camp F 5, Paradise Valley, Humboldt County, Nevada, under the direction of Foreman Wilbur Timmons, and that Foreman Wilbur Timmons

was in no way responsible for his death, but instead, Frank J. Vitale, burned to death on account of a sudden strong wind, which changed the course of the fire and caused him and others to become trapped.

All of which we certify by this inquisition in writing by us signed this 31st day of July, A. D. 1939.

Bruno McErquiaga (Foreman)

Frank McErquiaga

Mateo Marcuerquiaga

Filed July 31st, 1939.

I. W. Minor
Coroner.

STATE OF NEVADA,)
) ss.
COUNTY OF HUMBOLDT.)

IN THE MATTER OF THE INQUISITION UPON THE BODIES OF George J. Kennedy, Walter James, Frank W. Barker, Ernest R. Tippin, and Frank J. Vitale,
Deceased.

I, I. W. MINOR, Justice of the Peace and ex-officio Coroner of McDermitt Township, Humboldt County, Nevada, do hereby certify, that the above and foregoing transcript consisting of 56 (65) pages, numbered from 1 to 56 (2 to 65), both inclusive, constitutes and is the original transcript and record of testimony and proceedings taken, had and given in the above entitled matter, together with the original verdict of the Coroner's jury impanelled and sworn in said matter.

IN WITNESS WHEREOF, I have hereunto set my hand officially at Orovada, in said Township, this 4th day of August, A. D. 1939.

I. W. MINOR
Coroner.

Eagle Cr.
Eagle Can.
Springs
el Rebel Creek
REBEL CR. A.S.
Creek
Spr.
Wood Can.
Cr.
Orovada
Rock
Cr.
Santa Rosa Pk.
Spr.
Coleman
Mullun
Ax Cr.
Cr.
Spr.
Spr.
Spr.
Spr.
Creek
Spr.
Antelope
Cr.
McConnel Cr.
Dog Cr.
Cottonwood
Cr.
Horse
Can.
Pine
Falls
Cr.
Can.
LAMANCE R.S.
Lamance
Cr.
Parase Vally
Cr.
Singas Cr.
Andornia
Cr.
Morey
Cr.
Spr.
Cr.
Wash
Stone House Cr.
O'Neill
Cr.
Amos
Cane Spors.
Chimney
Porcupine
Cr.
Trap Butte
North
Parallel
Provo
Can.
Paradise Hill
R.37 E.
R.38 E.
TO WINNEMUCCA
R.39 E.
R.40 E.
R.41 E.
T.41 N.
T.40 N.

Orovada
Gabica
Snapp Mt.
Rock
Cr.
ORIGIN OF FIRE
T.43 N.
T.42 N.
McConnell
Cr.
Trail
N. HIGHWAY
Creek
Antelope
Creek
Dog
Creek
McConnell
R.37 E.
R.38 E.
PERIMETER OF FIRE

Santa Rosa Fire - Toiyabe N.F. July 28, 1939.